

1 Voluntary agreements under this subsection may not be used for placements in
2 facilities other than foster, ~~treatment foster~~, homes or group homes and may not be
3 extended. A foster home ~~or treatment foster home~~ placement under a voluntary
4 agreement may not exceed 180 days from the date on which the child was removed
5 from the home under the voluntary agreement. A group home placement under a
6 voluntary agreement may not exceed 15 days from the date on which the child was
7 removed from the home under the voluntary agreement, except as provided in sub.
8 (5). These time periods do not apply to placements made under s. 48.345, 938.183,
9 938.34, or 938.345. Voluntary agreements may be made only under this subsection
10 and sub. (5) (b) and shall be in writing and shall specifically state that the agreement
11 may be terminated at any time by the parent or guardian or by the child if the child's
12 consent to the agreement is required. The child's consent to the agreement is
13 required whenever the child is 12 years of age or older. If a county department, the
14 department, or the department of corrections places a child or negotiates or acts as
15 intermediary for the placement of a child under this subsection, the voluntary
16 agreement shall also specifically state that the county department, department, or
17 department of corrections has placement and care responsibility for the child as
18 required under 42 USC 672 (a) (2) and has primary responsibility for providing
19 services to the child. ✓

History: 1977 c. 354, 449; 1979 c. 300; 1981 c. 81; 1983 a. 351, 399; 1985 a. 176; 1989 a. 31, 107; 1993 a. 446; 1995 a. 27 ss. 2594, 9126 (19); 1995 a. 77; 2001 a. 69, 109; 2007 a. 20, 186, 199.

20 **SECTION 131.** 48.63 (3) (b) 2. of the statutes is amended to read:

21 48.63 (3) (b) 2. The department, a county department under s. 48.57 (1) (e) or
22 (hm), or a child welfare agency licensed under s. 48.60 may place a child under subd.

1 1. in the home of a proposed adoptive parent or parents who reside in this state if that
2 home is licensed as a foster home ~~or treatment foster home~~ under s. 48.62.✓

History: 1977 c. 354, 449; 1979 c. 300; 1981 c. 81; 1983 a. 351, 399; 1985 a. 176; 1989 a. 31, 107; 1993 a. 446; 1995 a. 27 ss. 2594, 9126 (19); 1995 a. 77; 2001 a. 69, 109; 2007 a. 20, 186, 199.

3 **SECTION 132.** 48.63 (4) of the statutes is amended to read:

4 48.63 (4) A permanency plan under s. 48.38 is required for each child placed
5 in a foster home ~~or treatment foster home~~ under sub. (1). If the child is living in a
6 foster home ~~or treatment foster home~~ under a voluntary agreement, the agency that
7 negotiated or acted as intermediary for the placement shall prepare the permanency
8 plan within 60 days after the date on which the child was removed from his or her
9 home under the voluntary agreement. A copy of each plan shall be provided to the
10 child if he or she is 12 years of age or over and to the child's parent or guardian. If
11 the agency that arranged the voluntary placement intends to seek a court order to
12 place the child outside of his or her home at the expiration of the voluntary
13 placement, the agency shall prepare a revised permanency plan and file that revised
14 plan with the court prior to the date of the hearing on the proposed placement.✓

History: 1977 c. 354, 449; 1979 c. 300; 1981 c. 81; 1983 a. 351, 399; 1985 a. 176; 1989 a. 31, 107; 1993 a. 446; 1995 a. 27 ss. 2594, 9126 (19); 1995 a. 77; 2001 a. 69, 109; 2007 a. 20, 186, 199.

15 **SECTION 133.** 48.64 (title) of the statutes is amended to read:

16 48.64 (title) **Placement of children in foster homes, ~~treatment foster~~**
17 **homes and group homes.**✓

History: 1971 c. 40; 1973 c. 328; 1977 c. 271, 354, 418, 447, 449; 1985 a. 176; 1985 a. 292 s. 3; 1985 a. 332; 1989 a. 31, 107; 1993 a. 395, 446, 491; 1995 a. 27 ss. 2595, 9126 (19); 1997 a. 104; 2001 a. 69; 2005 a. 293; 2007 a. 20.

18 **SECTION 134.** 48.64 (1) of the statutes is amended to read:

19 48.64 (1) DEFINITION. In this section, "agency" means the department, the
20 department of corrections, a county department, or a licensed child welfare agency
21 authorized to place children in foster homes, ~~treatment foster homes~~, or group
22 homes.✓

History: 1971 c. 40; 1973 c. 328; 1977 c. 271, 354, 418, 447, 449; 1985 a. 176; 1985 a. 292 s. 3; 1985 a. 332; 1989 a. 31, 107; 1993 a. 395, 446, 491; 1995 a. 27 ss. 2595, 9126 (19); 1997 a. 104; 2001 a. 69; 2005 a. 293; 2007 a. 20.

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1 **SECTION 135.** 48.64 (1m) of the statutes is amended to read:

2 **48.64 (1m)** FOSTER HOME, ~~TREATMENT FOSTER HOME~~ AND GROUP HOME AGREEMENTS.

3 If an agency places a child in a foster home, ~~treatment foster home~~ or group home
4 under a court order or voluntary agreement under s. 48.63, the agency shall enter
5 into a written agreement with the head of the home. The agreement shall provide
6 that the agency shall have access at all times to the child and the home, and that the
7 child will be released to the agency whenever, in the opinion of the agency placing
8 the child or the department, the best interests of the child require it release to the
9 agency. If a child has been in a foster home, ~~treatment foster home~~ or group home
10 for 6 months or more, the agency shall give the head of the home written notice of
11 intent to remove the child, stating the reasons for the removal. The child may not
12 be removed before completion of the hearing under sub. (4) (a) or (c), if requested, or
13 30 days after the receipt of the notice, whichever is later, unless the safety of the child
14 requires it or, in a case in which the reason for removal is to place the child for
15 adoption under s. 48.833, unless all of the persons who have the right to request a
16 hearing under sub. (4) (a) or (c) sign written waivers of objection to the proposed
17 removal. If the safety of the child requires earlier removal, s. 48.19 shall apply. If
18 an agency removes a child from an adoptive placement, the head of the home shall
19 have no claim against the placing agency for the expense of care, clothing, or medical
20 treatment.✓

History: 1971 c. 40; 1973 c. 328; 1977 c. 271, 354, 418, 447, 449; 1985 a. 176; 1985 a. 292 s. 3; 1985 a. 332; 1989 a. 31, 107; 1993 a. 395, 446, 491; 1995 a. 27 ss. 2595, 9126 (19); 1997 a. 104; 2001 a. 69; 2005 a. 293; 2007 a. 20.

21 **SECTION 136.** 48.64 (1r) of the statutes is amended to read:

22 **48.64 (1r)** NOTIFICATION OF SCHOOL DISTRICT. When an agency places a
23 school-age child in a foster home, ~~a treatment foster home~~ or a group home, the
24 agency shall notify the clerk of the school district in which the foster home, ~~treatment~~

1 foster home or group home is located that a school-age child has been placed in a
2 foster home, ~~treatment foster home~~ or group home in the school district. ✓

History: 1971 c. 40; 1973 c. 328; 1977 c. 271, 354, 418, 447, 449; 1985 a. 176; 1985 a. 292 s. 3; 1985 a. 332; 1989 a. 31, 107; 1993 a. 395, 446, 491; 1995 a. 27 ss. 2595, 9126 (19); 1997 a. 104; 2001 a. 69; 2005 a. 293; 2007 a. 20.

3 SECTION 137. 48.64 (4) (a) of the statutes is amended to read:

4 48.64 (4) (a) Any decision or order issued by an agency that affects the head of
5 a foster, ~~treatment foster~~ or group home or the children involved may be appealed to
6 the department under fair hearing procedures established under department rules.
7 The department shall, upon receipt of an appeal, give the head of the home
8 reasonable notice and opportunity for a fair hearing. The department may make
9 ~~such~~ ^{any} additional investigation ~~as~~ ^{that} the department considers necessary. The
10 department shall give notice of the hearing to the head of the home and to the
11 departmental subunit, county department, or child welfare agency that issued the
12 decision or order. Each person receiving notice is entitled to be represented at the
13 hearing. At all hearings conducted under this subsection, the head of the home, or
14 a representative of the head of the home, shall have an adequate opportunity,
15 notwithstanding s. 48.78 (2) (a), to examine all documents and records to be used at
16 the hearing at a reasonable time before the date of the hearing as well as during the
17 hearing, to bring witnesses, to establish all pertinent facts and circumstances, and
18 to question or refute any testimony or evidence, including opportunity to confront
19 and cross-examine adverse witnesses. The department shall grant a continuance
20 for a reasonable period of time when an issue is raised for the first time during a
21 hearing. This requirement may be waived with the consent of the parties. The
22 decision of the department shall be based exclusively on evidence introduced at the
23 hearing. A transcript of testimony and exhibits, or an official report containing the
24 substance of what transpired at the hearing, together with all papers and requests

1 filed in the proceeding, and the findings of the hearing examiner shall constitute the
2 exclusive record for decision by the department. The department shall make the
3 record available at any reasonable time and at an accessible place to the head of the
4 home or his or her representative. Decisions by the department shall specify the
5 reasons for the decision and identify the supporting evidence. No person
6 participating in an agency action being appealed may participate in the final
7 administrative decision on that action. The department shall render its decision as
8 soon as possible after the hearing and shall send a certified copy of its decision to the
9 head of the home and to the departmental subunit, county department or child
10 welfare agency that issued the decision or order. The decision shall be binding on all
11 parties concerned. ✓

History: 1971 c. 40; 1973 c. 328; 1977 c. 271, 354, 418, 447, 449; 1985 a. 176; 1985 a. 292 s. 3; 1985 a. 332; 1989 a. 31, 107; 1993 a. 395, 446, 491; 1995 a. 27 ss. 2595, 9126 (19); 1997 a. 104; 2001 a. 69; 2005 a. 293; 2007 a. 20.

12 **SECTION 138.** 48.64 (4) (c) of the statutes is amended to read:

13 48.64 (4) (c) The circuit court for the county where the dispositional order
14 placing a child in a foster home, ~~treatment foster home~~, or group home was entered
15 or the voluntary agreement under s. 48.63 so placing a child was made has
16 jurisdiction upon petition of any interested party over a child who is placed in a foster
17 home, ~~treatment foster home~~, or group home. The circuit court may call a hearing,
18 at which the head of the home and the supervising agency under sub. (2) shall be
19 present, for the purpose of reviewing any decision or order of that agency involving
20 the placement and care of the child. If the child has been placed in a foster home, the
21 foster parent may present relevant evidence at the hearing. The petitioner has the
22 burden of proving by clear and convincing evidence that the decision or order issued
23 by the agency is not in the best interests of the child. ✓

History: 1971 c. 40; 1973 c. 328; 1977 c. 271, 354, 418, 447, 449; 1985 a. 176; 1985 a. 292 s. 3; 1985 a. 332; 1989 a. 31, 107; 1993 a. 395, 446, 491; 1995 a. 27 ss. 2595, 9126 (19); 1997 a. 104; 2001 a. 69; 2005 a. 293; 2007 a. 20.

1 **SECTION 139.** 48.645 (1) (a) of the statutes is amended to read:

2 48.645 (1) (a) The child is living in a foster home ~~or treatment foster home~~
3 licensed under s. 48.62 if a license is required under that section, in a foster home
4 ~~or treatment foster home~~ located within the boundaries of a federally recognized
5 American Indian reservation in this state and licensed by the tribal governing body
6 of the reservation, in a group home licensed under s. 48.625, in a subsidized
7 guardianship home under s. 48.62 (5), or in a residential care center for children and
8 youth licensed under s. 48.60, and has been placed in the foster home, ~~treatment~~
9 ~~foster home~~, group home, subsidized guardianship home, or center by a county
10 department under s. 46.215, 46.22, or 46.23, by the department, or by a federally
11 recognized American Indian tribal governing body in this state under an agreement
12 with a county department under s. 46.215, 46.22, or 46.23. ✓

History: 2007 a. 20 ss. 894 to 903; Stats. 2007 s. 48.645; 2007 a. 97 s. 61.

13 **SECTION 140.** 48.645 (2) (a) 1. of the statutes is amended to read:

14 48.645 (2) (a) 1. A nonrelative who cares for the dependent child in a foster
15 home ~~or treatment foster home~~ having a license under s. 48.62, in a foster home ~~or~~
16 ~~treatment foster home~~ located within the boundaries of a federally recognized
17 American Indian reservation in this state and licensed by the tribal governing body
18 of the reservation, or in a group home licensed under s. 48.625; a subsidized
19 guardian or interim caretaker under s. 48.62 (5) who cares for the dependent child;
20 or a minor custodial parent who cares for the dependent child; regardless of the
21 cause or prospective period of dependency. The state shall reimburse counties
22 pursuant to the procedure under s. 48.569 (2) and the percentage rate of
23 participation set forth in s. 48.569 (1) (d) for aid granted under this section except
24 that if the child does not have legal settlement in the granting county, state

1 reimbursement shall be at 100%. The county department under s. 46.215, 46.22, or
2 46.23 or the department under s. 48.48 (17) shall determine the legal settlement of
3 the child. A child under one year of age shall be eligible for aid under this subsection
4 irrespective of any other residence requirement for eligibility within this section.✓

History: 2007 a. 20 ss. 894 to 903; Stats. 2007 s. 48.645; 2007 a. 97 s. 61.

5 **SECTION 141.** 48.645 (2) (a) 3. of the statutes is amended to read:

6 48.645 (2) (a) 3. A county or, in a county having a population of 500,000 or more,
7 the department, when the child is placed in a licensed foster home, ~~treatment foster~~
8 ~~home~~, group home, or residential care center for children and youth or in a subsidized
9 guardianship home by a licensed child welfare agency or by a federally recognized
10 American Indian tribal governing body in this state or by its designee, if the child is
11 in the legal custody of the county department under s. 46.215, 46.22, or 46.23 or the
12 department under s. 48.48 (17) or if the child was removed from the home of a relative
13 as a result of a judicial determination that continuance in the home of the relative
14 would be contrary to the child's welfare for any reason and the placement is made
15 under an agreement with the county department or the department.✓

History: 2007 a. 20 ss. 894 to 903; Stats. 2007 s. 48.645; 2007 a. 97 s. 61.

16 **SECTION 142.** 48.645 (2) (b) of the statutes is amended to read:

17 48.645 (2) (b) Notwithstanding par. (a), aid under this section may not be
18 granted for placement of a child in a foster home or ~~treatment foster home~~ licensed
19 by a federally recognized American Indian tribal governing body, for placement of a
20 child in a foster home, ~~treatment foster home~~, group home, subsidized guardianship
21 home, or residential care center for children and youth by a tribal governing body or
22 its designee, or for the placement of a child who is a ward of a tribal court if the tribal

governing body is receiving or is eligible to receive funds from the federal government for that type of placement. ✓

History: 2007 a. 20 ss. 894 to 903; Stats. 2007 s. 48.645; 2007 a. 97 s. 61.

SECTION 143. Subchapter XVI (title) of chapter 48 [precedes 48.66] of the statutes is amended to read:

CHAPTER 48

SUBCHAPTER XVI

LICENSING PROCEDURES AND REQUIREMENTS FOR CHILD WELFARE AGENCIES, FOSTER HOMES, ~~TREATMENT FOSTER HOMES~~, GROUP HOMES, DAY CARE CENTERS AND COUNTY DEPARTMENTS ✓

SECTION 144. 48.66 (1) (a) of the statutes is amended to read:

48.66 (1) (a) Except as provided in s. 48.715 (6) and (7), the department shall license and supervise child welfare agencies, as required by s. 48.60, group homes, as required by s. 48.625, shelter care facilities, as required by s. 938.22, and day care centers, as required by s. 48.65. The department may license foster homes or ~~treatment foster homes~~, as provided by s. 48.62, and may license and supervise county departments in accordance with the procedures specified in this section and in ss. 48.67 to 48.74. In the discharge of this duty the department may inspect the records and visit the premises of all child welfare agencies, group homes, shelter care facilities, and day care centers and visit the premises of all foster homes and ~~treatment foster homes~~ in which children are placed. ✓

History: 1975 c. 307; 1977 c. 29, 271, 418, 447; 1979 c. 330; 1985 a. 176; 1993 a. 375 ss. 10, 12, 13; 1993 a. 377, 446, 491; 1995 a. 27, 77, 352; 1997 a. 27, 191, 205, 237; 1999 a. 9; 2005 a. 344; 2007 a. 20.

SECTION 145. 48.66 (1) (c) of the statutes is amended to read:

48.66 (1) (c) A license issued under par. (a) or (b), other than a license to operate a foster home, ~~treatment foster home~~, or secured residential care center for children and youth, is valid until revoked or suspended. A license issued under this

subsection to operate a foster home, ~~treatment foster home~~, or secured residential care center for children and youth may be for any term not to exceed 2 years from the date of issuance. No license issued under par. (a) or (b) is transferable. ✓

History: 1975 c. 307; 1977 c. 29, 271, 418, 447; 1979 c. 330; 1985 a. 176; 1993 a. 375 ss. 10, 12, 13; 1993 a. 377, 446, 491; 1995 a. 27, 77, 352; 1997 a. 27, 191, 205, 237; 1999 a. 9; 2005 a. 344; 2007 a. 20.

SECTION 146. 48.67 (intro.) of the statutes is amended to read:

48.67 (title) Rules governing child welfare agencies, day care centers,

foster homes, ~~treatment foster homes~~, group homes, shelter care facilities,

and county departments. (intro.) The department shall promulgate rules

establishing minimum requirements for the issuance of licenses to, and establishing

standards for the operation of, child welfare agencies, day care centers, foster homes,

~~treatment foster homes~~, group homes, shelter care facilities, and county

departments. Those rules shall be designed to protect and promote the health,

safety, and welfare of the children in the care of all licensees. The department shall

consult with the department of commerce, the department of public instruction, and

the child abuse and neglect prevention board before promulgating those rules. For

foster homes, those rules shall include the rules promulgated under s. 48.62 (4).

Those rules shall include rules that require all of the following: ✓

History: 1975 c. 307; 1977 c. 29, 205, 271, 418, 447; 1979 c. 300; 1985 a. 176; 1993 a. 375, 446; 1995 a. 27 ss. 2599, 9116 (4), 9145 (1); 1997 a. 27; 2001 a. 16; 2005 a. 165; 2007 a. 104.

SECTION 147. 48.675 (1) of the statutes is amended to read:

48.675 (1) DEVELOPMENT OF PROGRAM. The department shall develop a foster

care education program to provide specialized training for persons operating family

foster homes ~~or treatment foster homes~~. Participation in the program shall be

voluntary and shall be limited to persons operating foster homes ~~or treatment foster~~

homes licensed under s. 48.62 and caring for children with special treatment needs. ✓

History: 1977 c. 418; 1979 c. 34 s. 2102 (20) ~~and~~; 1983 a. 27 s. 2202 (20); 1985 a. 29, 176; 1989 a. 31, 107; 1993 a. 446; 1997 a. 35; 2007 a. 20.

SECTION 148. 48.675 (2) of the statutes is amended to read:

those

1 48.675 (2) APPROVAL OF PROGRAMS. The department shall promulgate rules for
2 approval of programs to meet the requirements of this section. ~~Such~~ programs may
3 include, ~~but need not be limited to:~~ in-service training; workshops and seminars
4 developed by the department or by county departments; seminars and courses
5 offered through public or private education agencies; and workshops, seminars, and
6 courses pertaining to behavioral and developmental disabilities and to the
7 development of mutual support services for foster parents ~~and treatment foster~~
8 ~~parents~~. The department may approve programs under this subsection only after
9 consideration of relevant factors including level of education, useful or necessary
10 skills, location, and other criteria as determined by the department. ✓

History: 1977 c. 418; 1979 c. 34 s. 2102 (20) ~~(a)~~; 1983 a. 27 s. 2202 (20); 1985 a. 29, 176; 1989 a. 31, 107; 1993 a. 446; 1997 a. 35; 2007 a. 20.

11 **SECTION 149.** 48.675 (3) (intro.) of the statutes is amended to read:

12 48.675 (3) SUPPORT SERVICES. (intro.) The department shall provide funds from
13 the appropriation under s. 20.437 (1) (a) to enable foster parents ~~and treatment foster~~
14 ~~parents~~ to attend education programs approved under sub. (2) and shall promulgate
15 rules concerning disbursement of the funds. Moneys disbursed under this
16 subsection may be used for the following purposes: ✓

History: 1977 c. 418; 1979 c. 34 s. 2102 (20) ~~(a)~~; 1983 a. 27 s. 2202 (20); 1985 a. 29, 176; 1989 a. 31, 107; 1993 a. 446; 1997 a. 35; 2007 a. 20.

17 **SECTION 150.** 48.675 (3) (a) of the statutes is amended to read:

18 48.675 (3) (a) Care of residents of the foster home ~~or treatment foster home~~
19 during the time of participation in an education program. ✓

History: 1977 c. 418; 1979 c. 34 s. 2102 (20) ~~(a)~~; 1983 a. 27 s. 2202 (20); 1985 a. 29, 176; 1989 a. 31, 107; 1993 a. 446; 1997 a. 35; 2007 a. 20.

20 **SECTION 151.** 48.68 (1) of the statutes is amended to read:

21 48.68 (1) After receipt of an application for a license, the department shall
22 investigate to determine if the applicant meets the minimum requirements for a
23 license adopted by the department under s. 48.67 and meets the requirements
24 specified in s. 48.685, if applicable. In determining whether to issue or continue a

SECTION 151

1 license, the department may consider any action by the applicant, or by an employee
2 of the applicant, that constitutes a substantial failure by the applicant or employee
3 to protect and promote the health, safety, and welfare of a child. Upon satisfactory
4 completion of this investigation and payment of the fee required under s. 48.615 (1)
5 (a) or (b), 48.625 (2) (a), 48.65 (3) (a), or 938.22 (7) (b), the department shall issue a
6 license under s. 48.66 (1) (a) or, if applicable, a probationary license under s. 48.69
7 or, if applicable, shall continue a license under s. 48.66 (5). At the time of initial
8 licensure and license renewal, the department shall provide a foster home licensee
9 with written information relating to the age-related monthly foster care rates and
10 supplemental payments specified in the rules promulgated under s. 48.62 (4) (c),
11 including payment amounts, eligibility requirements for supplemental payments,
12 and the procedures for applying for supplemental payments.✓

History: 1977 c. 205, 418; 1981 c. 72; 1991 a. 39; 1993 a. 375, 395, 491; 1995 a. 27, 77; 1997 a. 27; 1999 a. 9; 2001 a. 59.

13 **SECTION 152.** 48.685 (1) (b) of the statutes is amended to read:

14 48.685 (1) (b) "Entity" means a child welfare agency that is licensed under s.
15 48.60 to provide care and maintenance for children, to place children for adoption,
16 or to license foster homes ~~or treatment foster homes~~; a foster home ~~or treatment~~
17 ~~foster home~~ that is licensed under s. 48.62; a subsidized guardianship home under
18 s. 48.62 (5); a group home that is licensed under s. 48.625; a shelter care facility that
19 is licensed under s. 938.22; a day care center that is licensed under s. 48.65 or
20 established or contracted for under s. 120.13 (14); a day care provider that is certified
21 under s. 48.651; or a temporary employment agency that provides caregivers to
22 another entity.✓

History: 1997 a. 27, 237, 281; 1999 a. 9, 32, 56, 185, 186; 2001 a. 109; 2003 a. 321; 2005 a. 149, 184, 277; 2007 a. 20 ss. 1346 to 1358, 9121 (6) (a); 2007 a. 97, 111, 116, 130, 153.

23 **SECTION 153.** 48.685 (2) (c) 1. of the statutes is amended to read:

1 48.685 (2) (c) 1. If the person who is the subject of the search under par. (am)
2 is seeking an initial license to operate a foster home ~~or treatment foster home~~ or is
3 seeking relicensure after a break in licensure, the department, county department,
4 or child welfare agency shall request under 42 USC 16962 (b) a fingerprint-based
5 check of the national crime information databases, as defined in 28 USC 534 (f) (3)
6 (A). The department, county department, or child welfare agency may release any
7 information obtained under this subdivision only as permitted under 42 USC 16962
8 (e). ✓

History: 1997 a. 27, 237, 281; 1999 a. 9, 32, 56, 185, 186; 2001 a. 109; 2003 a. 321; 2005 a. 149, 184, 277; 2007 a. 20 ss. 1346 to 1358, 9121 (6) (a); 2007 a. 97, 111, 116, 130, 153.

9 **SECTION 154.** 48.685 (2) (c) 2. of the statutes is amended to read:

10 48.685 (2) (c) 2. If the person who is the subject of the search under par. (am)
11 is seeking a license to operate a foster home ~~or treatment foster home~~ or is an adult
12 nonclient resident of the foster home ~~or treatment foster home~~ and if the person is
13 not, or at any time within the 5 years preceding the date of the search has not been,
14 a resident of this state, the department, county department, or child welfare agency
15 shall check any child abuse or neglect registry maintained by any state or other U.S.
16 jurisdiction in which the person is a resident or was a resident within those 5 years
17 for information that is equivalent to the information specified in par. (am) 4. The
18 department, county department, or child welfare agency may not use any
19 information obtained under this subdivision for any purpose other than a search of
20 the person's background under par. (am). ✓

History: 1997 a. 27, 237, 281; 1999 a. 9, 32, 56, 185, 186; 2001 a. 109; 2003 a. 321; 2005 a. 149, 184, 277; 2007 a. 20 ss. 1346 to 1358, 9121 (6) (a); 2007 a. 97, 111, 116, 130, 153.

21 **SECTION 155.** 48.685 (4m) (a) (intro.) of the statutes is amended to read:

22 48.685 (4m) (a) (intro.) Notwithstanding s. 111.335, and except as provided in
23 par. (ad) and sub. (5), the department may not license, or continue or renew the

SECTION 155

1 license of, a person to operate an entity, a county department may not certify a day
2 care provider under s. 48.651, a county department or a child welfare agency may not
3 license, or renew the license of, a foster home ~~or treatment foster home~~ under s. 48.62,
4 the department or a county department may not provide subsidized guardianship
5 payments to a person under s. 48.62 (5), and a school board may not contract with
6 a person under s. 120.13 (14), if the department, county department, child welfare
7 agency, or school board knows or should have known any of the following: ✓

History: 1997 a. 27, 237, 281; 1999 a. 9, 32, 58, 185, 186; 2001 a. 109; 2003 a. 321; 2005 a. 149, 184, 277; 2007 a. 20 ss. 1346 to 1358, 9121 (6) (a); 2007 a. 97, 111, 116, 130, 153.

8 **SECTION 156.** 48.685 (4m) (ad) of the statutes is amended to read:

9 48.685 (4m) (ad) The department, a county department or a child welfare
10 agency may license a foster home ~~or treatment foster home~~ under s. 48.62, the
11 department or a county department may provide subsidized guardianship payments
12 to a person under s. 48.62 (5), a county department may certify a day care provider
13 under s. 48.651, and a school board may contract with a person under s. 120.13 (14),
14 conditioned on the receipt of the information specified in sub. (2) (am) indicating that
15 the person is not ineligible to be licensed, certified, or contracted with for a reason
16 specified in par. (a) 1. to 5. ✓

History: 1997 a. 27, 237, 281; 1999 a. 9, 32, 58, 185, 186; 2001 a. 109; 2003 a. 321; 2005 a. 149, 184, 277; 2007 a. 20 ss. 1346 to 1358, 9121 (6) (a); 2007 a. 97, 111, 116, 130, 153.

17 **SECTION 157.** 48.685 (5) (bm) (intro.) of the statutes is amended to read:

18 48.685 (5) (bm) (intro.) For purposes of licensing a foster home ~~or treatment~~
19 ~~foster home~~ for the placement of a child on whose behalf foster care maintenance
20 payments under rules promulgated under s. 48.62 (4) (c) will be provided, no person
21 who has been convicted of any of the following offenses may be permitted to
22 demonstrate that he or she has been rehabilitated: ✓

History: 1997 a. 27, 237, 281; 1999 a. 9, 32, 58, 185, 186; 2001 a. 109; 2003 a. 321; 2005 a. 149, 184, 277; 2007 a. 20 ss. 1346 to 1358, 9121 (6) (a); 2007 a. 97, 111, 116, 130, 153.

23 **SECTION 158.** 48.685 (5m) of the statutes is amended to read:

1 48.685 (5m) Notwithstanding s. 111.335, the department may refuse to license
2 a person to operate an entity, a county department or a child welfare agency may
3 refuse to license a foster home ~~or treatment foster home~~ under s. 48.62, the
4 department or a county department may refuse to provide subsidized guardianship
5 payments under s. 48.62 (5), and an entity may refuse to employ or contract with a
6 caregiver or permit a nonclient resident to reside at the entity if the person has been
7 convicted of an offense that is not a serious crime, but that is, in the estimation of the
8 department, county department, child welfare agency, or entity, substantially
9 related to the care of a client. Notwithstanding s. 111.335, the department may
10 refuse to license a person to operate a day care center, a county department may
11 refuse to certify a day care provider under s. 48.651, a school board may refuse to
12 contract with a person under s. 120.13 (14), a day care center that is licensed under
13 s. 48.65 or established or contracted for under s. 120.13 (14), and a day care provider
14 that is certified under s. 48.651 may refuse to employ or contract with a caregiver or
15 permit a nonclient resident to reside at the day care center or day care provider if the
16 person has been convicted of or adjudicated delinquent on or after his or her 12th
17 birthday for an offense that is not a serious crime, but that is, in the estimation of
18 the department, county department, school board, day care center, or day care
19 provider, substantially related to the care of a client. ✓

History: 1997 a. 27, 237, 281; 1999 a. 9, 32, 56, 185, 186; 2001 a. 109; 2003 a. 321; 2005 a. 149, 184, 277; 2007 a. 20 ss. 1346 to 1358, 9121 (6) (a); 2007 a. 97, 111, 116, 130, 153.

20 **SECTION 159.** 48.685 (6) (a) of the statutes is amended to read:

21 48.685 (6) (a) The department shall require any person who applies for
22 issuance, continuation, or renewal of a license to operate an entity, a county
23 department shall require any day care provider who applies for initial certification
24 under s. 48.651 or for renewal of that certification, a county department or a child

1 welfare agency shall require any person who applies for issuance or renewal of a
2 license to operate a foster home ~~or treatment foster home~~ under s. 48.62, the
3 department or a county department shall require any person who applies for
4 subsidized guardianship payments under s. 48.62 (5), and a school board shall
5 require any person who proposes to contract with the school board under s. 120.13
6 (14) or to renew a contract under that subsection, to complete a background
7 information form that is provided by the department. ✓

History: 1997 a. 27, 237, 281; 1999 a. 9, 32, 59, 185, 186; 2001 a. 109; 2003 a. 321; 2005 a. 149, 184, 277; 2007 a. 20 ss. 1346 to 1358, 9121 (6) (a); 2007 a. 97, 111, 116, 130, 153.

8 **SECTION 160.** 48.70 (2) of the statutes is amended to read:

9 48.70 (2) SPECIAL PROVISIONS FOR CHILD WELFARE AGENCY LICENSES. A license to
10 a child welfare agency shall also specify the kind of child welfare work the agency is
11 authorized to undertake, whether the agency may accept guardianship of children,
12 whether the agency may place children in foster homes ~~or treatment foster homes~~,
13 and if so, the area the agency is equipped to serve. ✓

History: 1973 c. 90; 1975 c. 307; 1977 c. 271; 1985 a. 176; 1993 a. 375, 446.

14 **SECTION 161.** 48.73 of the statutes is amended to read:

15 **48.73 Inspection of licensees.** The department may visit and inspect each
16 child welfare agency, foster home, ~~treatment foster home~~, group home, and day care
17 center licensed by it the department, and for such ~~that~~ purpose shall be given
18 unrestricted access to the premises described in the license. ✓

History: 1979 c. 300; 1993 a. 446.

19 **SECTION 162.** 48.75 (title) of the statutes is amended to read:

20 **48.75 (title) Foster homes and ~~treatment foster homes~~ licensed by**
21 **public licensing agencies and by child welfare agencies.** ✓

History: 1985 a. 176; 1985 a. 332 s. 251 (1); 1989 a. 336; 1993 a. 395, 446; 1995 a. 225; 1997 a. 27, 237; 1999 a. 9, 103; 2005 a. 232; 2007 a. 20 ss. 1362, 1363, 9121 (6) (a); 2007 a. 186.

22 **SECTION 163.** 48.75 (1d) of the statutes is amended to read:

1 48.75 (1d) Child welfare agencies, if licensed to do so by the department, and
2 public licensing agencies may license foster homes ~~and treatment foster homes~~
3 under the rules promulgated by the department under s. 48.67 governing the
4 licensing of foster homes ~~and treatment foster homes~~. A foster home ~~or treatment~~
5 foster home license shall be issued for a term not to exceed 2 years from the date of
6 issuance, is not transferable, and may be revoked by the child welfare agency or by
7 the public licensing agency because the licensee has substantially and intentionally
8 violated any provision of this chapter or of the rules of the department promulgated
9 pursuant to under s. 48.67 or because the licensee fails to meet the minimum
10 requirements for a license. The licensee shall be given written notice of any
11 revocation and the grounds ~~therefor~~ for the revocation.✓

History: 1985 a. 176; 1985 a. 332 s. 251 (1); 1989 a. 336; 1993 a. 395, 446; 1995 a. 225; 1997 a. 27, 237; 1999 a. 9, 103; 2005 a. 232; 2007 a. 20 ss. 1362, 1363, 9121 (6) (a); 2007 a. 186.

12 **SECTION 164.** 48.75 (1r) of the statutes is amended to read:

13 48.75 (1r) At the time of initial licensure and license renewal, the child welfare
14 agency or public licensing agency issuing a license under sub. (1d) or (1g) shall
15 provide the licensee with written information relating to the ~~age-related~~ monthly
16 foster care rates and supplemental payments specified in the rules promulgated
17 under s. 48.62 (4) (c), including payment amounts, eligibility requirements for
18 supplemental payments, and the procedures for applying for supplemental
19 payments.✓

History: 1985 a. 176; 1985 a. 332 s. 251 (1); 1989 a. 336; 1993 a. 395, 446; 1995 a. 225; 1997 a. 27, 237; 1999 a. 9, 103; 2005 a. 232; 2007 a. 20 ss. 1362, 1363, 9121 (6) (a); 2007 a. 186.

20 **SECTION 165.** 48.75 (2) of the statutes is amended to read:

1 48.75 (2) Any foster home ~~or treatment foster home~~ applicant or licensee of a
2 public licensing agency or a child welfare agency may, if aggrieved by the failure to
3 issue or renew its license or by revocation of its license, appeal as provided in s. 48.72. ✓

History: 1985 a. 176; 1985 a. 332 s. 251 (1); 1989 a. 336; 1993 a. 395, 446; 1995 a. 225; 1997 a. 27, 237; 1999 a. 9, 103; 2005 a. 232; 2007 a. 20 ss. 1362, 1363, 9121 (6) (a); 2007 a. 186.

4 **SECTION 166.** 48.833 (1) of the statutes is amended to read:

5 48.833 (1) PLACEMENT BY DEPARTMENT OR COUNTY DEPARTMENT. The department
6 or a county department under s. 48.57 (1) (e) or (hm) may place a child for adoption
7 in a licensed foster home ~~or a licensed treatment foster home~~ without a court order
8 under s. 48.63 (3) (b) or if the department or county department is the guardian of
9 the child or makes the placement at the request of another agency that is the
10 guardian of the child and if the proposed adoptive parents have completed the
11 preadoption preparation required under s. 48.84 (1) or the department or county
12 department determines that the proposed adoptive parents are not required to
13 complete that preparation. When a child is placed under this subsection in a licensed
14 foster home ~~or a licensed treatment foster home~~ for adoption, the department or
15 county department making the placement shall enter into a written agreement with
16 the proposed adoptive parent, which shall state the date on which the child is placed
17 in the licensed foster home ~~or licensed treatment foster home~~ for adoption by the
18 proposed adoptive parent. ✓

History: 1981 c. 81, 384; 1985 a. 176; 1989 a. 336; 1993 a. 446; 1995 a. 275; 2005 a. 293, 448; 2007 a. 96, 186.

19 **SECTION 167.** 48.833 (2) of the statutes is amended to read:

20 48.833 (2) PLACEMENT BY CHILD WELFARE AGENCY. A child welfare agency
21 licensed under s. 48.60 may place a child for adoption in a licensed foster home ~~or a~~
22 ~~licensed treatment foster home~~ without a court order under s. 48.63 (3) (b) or if the
23 child welfare agency is the guardian of the child or makes the placement at the
24 request of another agency that is the guardian of the child and if the proposed

1 adoptive parents have completed the preadoption preparation required under s.
2 48.84 (1) or the child welfare agency determines that the proposed adoptive parents
3 are not required to complete that preparation. When a child is placed under this
4 subsection in a licensed foster home ~~or a licensed treatment foster home~~ for adoption,
5 the child welfare agency making the placement shall enter into a written agreement
6 with the proposed adoptive parent, which shall state the date on which the child is
7 placed in the licensed foster home ~~or licensed treatment foster home~~ for adoption by
8 the proposed adoptive parent. ✓

History: 1981 c. 81, 384; 1985 a. 176; 1989 a. 161, 336; 1993 a. 446; 1995 a. 275; 2005 a. 293, 448; 2007 a. 96, 186.

9 **SECTION 168.** 48.837 (1) of the statutes is amended to read:

10 48.837 (1) IN-STATE ADOPTIVE PLACEMENT. When the proposed adoptive parent
11 or parents of a child reside in this state and are not relatives of the child, a parent
12 having custody of a child and the proposed adoptive parent or parents of the child
13 may petition the court for placement of the child for adoption in the home of the
14 proposed adoptive parent or parents if the home is licensed as a foster home ~~or~~
15 ~~treatment foster home~~ under s. 48.62. ✓

History: 1981 c. 81; 1985 a. 176; 1989 a. 161, 336; 1993 a. 446; 1997 a. 27, 104, 191; 2005 a. 293; 2005 a. 443 s. 265; 2007 a. 96, 186.

16 **SECTION 169.** 48.837 (1r) (b) of the statutes is amended to read:

17 48.837 (1r) (b) The department, a county department under s. 48.57 (1) (e) or
18 (hm), or a child welfare agency licensed under s. 48.60 may place a child under par.
19 (a) in the home of a proposed adoptive parent or parents who reside in this state if
20 that home is licensed as a foster home ~~or treatment foster home~~ under s. 48.62. ✓

History: 1981 c. 81; 1985 a. 176; 1989 a. 161, 336; 1993 a. 446; 1997 a. 27, 104, 191; 2005 a. 293; 2005 a. 443 s. 265; 2007 a. 96, 186.

21 **SECTION 170.** 48.88 (2) (am) 1. of the statutes is amended to read:

22 48.88 (2) (am) 1. If the petitioner was required to obtain an initial license to
23 operate a foster home ~~or treatment foster home~~ before placement of the child for
24 adoption or relicensure after a break in licensure, the agency making the

SECTION 170

1 investigation shall obtain a criminal history search from the records maintained by
2 the department of justice and request under 42 USC 16962 (b) a fingerprint-based
3 check of the national crime information databases, as defined in 28 USC 534 (f) (3)
4 (A), with respect to the petitioner. The agency may release any information obtained
5 under this subdivision only as permitted under 42 USC 16962 (e). In the case of a
6 child on whose behalf adoption assistance payments will be provided under s. 48.975,
7 if the petitioner has been convicted of any of the offenses specified in s. 48.685 (5) (bm)
8 1. to 4., the agency may not report that the petitioner's home is suitable for the child.✓

History: 1975 c. 39, 199, 307; 1977 c. 271; 1981 c. 81, 384; 1983 a. 190; 1985 a. 176; 1997 a. 27; 2007 a. 20.

9 **SECTION 171. 48.88 (2) (am) 2. of the statutes is amended to read:**

10 48.88 (2) (am) 2. If the petitioner was required to obtain a license to operate
11 a foster home ~~or treatment foster home~~ before placement of the child for adoption,
12 the agency making the investigation shall obtain information maintained by the
13 department regarding any substantiated reports of child abuse or neglect against the
14 petitioner and any other adult residing in the petitioner's home. If the petitioner or
15 other adult residing in the petitioner's home is not, or at any time within the 5 years
16 preceding the date of the search has not been, a resident of this state, the agency shall
17 check any child abuse or neglect registry maintained by any state or other U.S.
18 jurisdiction in which the petitioner or other adult is a resident or was a resident
19 within those 5 years for information that is equivalent to the information maintained
20 by the department regarding substantiated reports of child abuse or neglect. The
21 agency may not use any information obtained under this subdivision for any purpose
22 other than a background search under this subdivision.✓

History: 1975 c. 39, 199, 307; 1977 c. 271; 1981 c. 81, 384; 1983 a. 190; 1985 a. 176; 1997 a. 27; 2007 a. 20.

23 **SECTION 172. 48.975 (3) (a) 1. of the statutes is amended to read:**

1 48.975 (3) (a) 1. Except as provided in subd. 3., for support of a child who was
2 in foster care, ~~treatment foster care~~, or subsidized guardianship care immediately
3 prior to placement for adoption, the initial amount of adoption assistance for
4 maintenance shall be equivalent to the amount of that child's foster care, ~~treatment~~
5 ~~foster care~~, or subsidized guardianship care payment at the time that the agreement
6 under sub. (4) (a) is signed or a lesser amount if agreed to by the proposed adoptive
7 parents and specified in that agreement.✓

8 History: 1977 c. 418; 1985 a. 308; 1989 a. 31; 1993 a. 16, 446; 1997 a. 308; 2005 a. 25.

8 **SECTION 173.** 48.975 (3) (a) 2. of the statutes is amended to read:

9 48.975 (3) (a) 2. Except as provided in subd. 3., for support of a child not in foster
10 care, ~~treatment foster care~~, or subsidized guardianship care immediately prior to
11 placement for adoption, the initial amount of adoption assistance for maintenance
12 shall be equivalent to the uniform foster care rate applicable to the child that is in
13 effect at the time that the agreement under sub. (4) (a) is signed or a lesser amount
14 if agreed to by the proposed adoptive parents and specified in that agreement.✓

15 History: 1977 c. 418; 1985 a. 308; 1989 a. 31; 1993 a. 16, 446; 1997 a. 308; 2005 a. 25.

15 **SECTION 174.** 48.98 (1) of the statutes is amended to read:

16 48.98 (1) No person may bring a child into this state or send a child out of this
17 state for the purpose of placing the child in foster care ~~or treatment foster care~~ or for
18 the purpose of adoption without a certificate from the department that the home is
19 suitable for the child.✓

20 History: 1977 c. 354; 1979 c. 32 s. 92 (1); 1981 c. 81; 1985 a. 176; 1985 a. 332 s. 251 (5); 1993 a. 446; 2007 a. 20.

20 **SECTION 175.** 48.98 (2) (a) of the statutes is amended to read:

21 48.98 (2) (a) Any person, except a county department or licensed child welfare
22 agency, who brings a child into this state for the purpose of placing the child in a
23 foster home ~~or treatment foster home~~ shall, before the child's arrival in this state, file
24 with the department a \$1,000 noncancelable bond in favor of this state, furnished by

1 a surety company licensed to do business in this state. The condition of the bond shall
2 be that the child will not become dependent on public funds for his or her primary
3 support before the child reaches age 18 or is adopted.✓

History: 1977 c. 354; 1979 c. 32 s. 92 (1); 1981 c. 81; 1985 a. 176; 1985 a. 332 s. 251 (5); 1993 a. 446; 2007 a. 20.

4 **SECTION 176.** 48.981 (3) (d) 1. of the statutes is amended to read:

5 48.981 (3) (d) 1. In this paragraph, "agent" includes, ~~but is not limited to,~~ a
6 foster parent, ~~treatment foster parent~~ or other person given custody of a child or a
7 human services professional employed by a county department under s. 51.42 or
8 51.437 or by a child welfare agency who is working with a child or an expectant
9 mother of an unborn child under contract with or under the supervision of the
10 department in a county having a population of 500,000 or more or a county
11 department under s. 46.22.✓

History: Sup. Ct. Order, 59 Wis. 2d R1, R3 (1973); 1977 c. 355; 1977 c. 447 s. 210; 1979 c. 300; 1983 a. 172, 190, 299, 538; 1985 a. 29 ss. 917 to 930m, 3200 (56); 1985 a. 176, 234; 1987 a. 27, 186, 209; 1987 a. 332 s. 64; 1987 a. 334, 355, 399, 403; 1989 a. 31, 41, 102, 316, 359; 1991 a. 160, 263; 1993 a. 16, 105, 218, 227, 230, 246, 272, 318, 395, 443, 446, 491; 1995 a. 275, 289, 369, 456; 1997 a. 27, 114, 292, 293; 1999 a. 9, 20, 32, 56, 84, 149, 192; 2001 a. 16, 38, 59, 69, 70, 103, 105; 2003 a. 33, 279, 321; 2005 a. 113, 232, 344, 406, 434; 2005 a. 443 s. 265; 2007 a. 20 ss. 1370 to 1373, 9121 (6) (a); 2007 a. 97.

12 **SECTION 177.** 48.981 (7) (a) 4. of the statutes is amended to read:

13 48.981 (7) (a) 4. A child's foster parent, ~~treatment foster parent~~ or other person
14 having physical custody of the child or a person having physical custody of the
15 expectant mother of an unborn child, except that the person or agency maintaining
16 the record or report may not disclose any information that would identify the
17 reporter.✓

History: Sup. Ct. Order, 59 Wis. 2d R1, R3 (1973); 1977 c. 355; 1977 c. 447 s. 210; 1979 c. 300; 1983 a. 172, 190, 299, 538; 1985 a. 29 ss. 917 to 930m, 3200 (56); 1985 a. 176, 234; 1987 a. 27, 186, 209; 1987 a. 332 s. 64; 1987 a. 334, 355, 399, 403; 1989 a. 31, 41, 102, 316, 359; 1991 a. 160, 263; 1993 a. 16, 105, 218, 227, 230, 246, 272, 318, 395, 443, 446, 491; 1995 a. 275, 289, 369, 456; 1997 a. 27, 114, 292, 293; 1999 a. 9, 20, 32, 56, 84, 149, 192; 2001 a. 16, 38, 59, 69, 70, 103, 105; 2003 a. 33, 279, 321; 2005 a. 113, 232, 344, 406, 434; 2005 a. 443 s. 265; 2007 a. 20 ss. 1370 to 1373, 9121 (6) (a); 2007 a. 97.

18 **SECTION 178.** 48.986 (4) of the statutes is amended to read:

19 48.986 (4) A county may use the funds distributed under this section to fund
20 additional foster parents, ~~treatment foster parents,~~ and subsidized guardians or
21 interim caretakers to care for abused and neglected children and to fund additional

1 staff positions to provide services related to child abuse and neglect and to unborn
2 child abuse.✓

3 **History:** 1993 a. 16 ss. 982 to 986; 1993 a. 446; 1995 a. 27; 1997 a. 292; 2005 a. 25; 2007 a. 20 ss. 1127 to 1131; Stats. 2007 s. 48.986.

3 **SECTION 179.** 49.001 (7) of the statutes is repealed.

4 **SECTION 180.** 49.136 (1) (m) of the statutes is amended to read:

5 49.136 (1) (m) "Parent" means a parent, guardian, foster parent, treatment
6 foster parent, legal custodian, or a person acting in the place of a parent.✓

7 **History:** 1991 a. 275; 1993 a. 16; 1995 a. 27, 289; 1995 a. 404 ss. 131 to 141; Stats. 1995 s. 49.136; 1997 a. 27; 1999 a. 9; 2005 a. 25; 2007 a. 20.

7 **SECTION 181.** 49.155 (1) (c) of the statutes is amended to read:

8 49.155 (1) (c) Notwithstanding s. 49.141 (1) (j), "parent" means a custodial
9 parent, guardian, foster parent, treatment foster parent, legal custodian, or a person
10 acting in the place of a parent.✓

11 **History:** 1995 a. 289; 1997 a. 27, s. 1766 to 1775, 1838 to 1857; 1997 a. 41, 105, 237, 252; 1999 a. 9; 2001 a. 16; 2003 a. 33; 2005 a. 25, 165; 2007 a. 20.

11 **SECTION 182.** 49.155 (1m) (a) (intro.) of the statutes is amended to read:

12 49.155 (1m) (a) (intro.) The individual is a parent of a child who meets the
13 requirement under s. 49.145 (2) (c) and who is under the age of 13 or, if the child is
14 disabled, is under the age of 19; or is a person relative who, under s. 48.57 (3m) or
15 (3n) 48.62, is providing care and maintenance for a child who meets the requirement
16 under s. 49.145 (2) (c) and who is under the age of 13 or, if the child is disabled, is
17 under the age of 19; and child care services for that child are needed in order for the
18 individual to do any of the following:✓

19 **History:** 1995 a. 289; 1997 a. 27, s. 1766 to 1775, 1838 to 1857; 1997 a. 41, 105, 237, 252; 1999 a. 9; 2001 a. 16; 2003 a. 33; 2005 a. 25, 165; 2007 a. 20.

19 **SECTION 183.** 49.155 (1m) (a) 1m. b. of the statutes is amended to read:

20 49.155 (1m) (a) 1m. b. The individual has not yet attained the age of 18 years
21 and the individual resides with his or her custodial parent or with a kinship care
22 relative under s. 48.57 (3m) or with a long-term kinship care relative under s. 48.57
23 (3n) or is in a foster home or treatment foster home licensed under s. 48.62, a

1 subsidized guardianship home under s. 48.62 (5), a group home, or an independent
2 living arrangement supervised by an adult. ✓

History: 1995 a. 289; 1997 a. 27, s. 1766 to 1775, 1838 to 1857; 1997 a. 41, 105, 237, 252; 1999 a. 9; 2001 a. 16; 2003 a. 33; 2005 a. 25, 165; 2007 a. 20.

3 **SECTION 184.** 49.155 (1m) (bm) of the statutes is amended to read:

4 49.155 (1m) (bm) If the individual is providing care for a child under a court
5 order and is receiving payments on behalf of the child under s. 48.57 (3m) or (3n) or
6 48.62 (5), or if the individual is a foster parent or treatment foster parent, and child
7 care is needed for that child, the child meets the requirement under s. 49.145 (2) (c). ✓

History: 1995 a. 289; 1997 a. 27, s. 1766 to 1775, 1838 to 1857; 1997 a. 41, 105, 237, 252; 1999 a. 9; 2001 a. 16; 2003 a. 33; 2005 a. 25, 165; 2007 a. 20.

8 **SECTION 185.** 49.155 (1m) (c) 1. (intro.) of the statutes is amended to read:

9 49.155 (1m) (c) 1. (intro.) Except as provided in subds. 1g., 1h., 1m., 2., and 3.,
10 the gross income of the individual's family is at or below 185% of the poverty line for
11 a family the size of the individual's family or, for an individual who is already
12 receiving a child care subsidy under this section, the gross income of the individual's
13 family is at or below 200% of the poverty line for a family the size of the individual's
14 family. In calculating the gross income of the family, the Wisconsin works agency
15 shall include income described under s. 49.145 (3) (b) 1. and 3., except that, in
16 calculating farm and self-employment income, the Wisconsin works agency shall
17 include the sum of the following: ✓

History: 1995 a. 289; 1997 a. 27, s. 1766 to 1775, 1838 to 1857; 1997 a. 41, 105, 237, 252; 1999 a. 9; 2001 a. 16; 2003 a. 33; 2005 a. 25, 165; 2007 a. 20.

18 **SECTION 186.** 49.155 (1m) (c) 1h. of the statutes is repealed. ✓

19 **SECTION 187.** 49.175 (1) (ze) 1. of the statutes is amended to read:

20 49.175 (1) (ze) 1. 'Kinship care and long-term kinship Foster care assistance.'

21 For the kinship care and long-term kinship care programs under s. 48.57 (3m), (3n),
22 and (3p) foster care under s. 48.62, \$23,579,800 in each fiscal year. ✓

History: 1997 a. 27, 105, 236, 237, 252, 318; 1999 a. 9; 2001 a. 16, 104, 109; 2003 a. 33, 321, 327; 2005 a. 25, 254; 2007 a. 5, 20, 226.

23 **SECTION 188.** 49.19 (1) (a) 2. b. of the statutes is amended to read:

49.19 (1) (a) 2. b. Is living in a foster home ~~or treatment foster home~~ licensed under s. 48.62 if a license is required under that section, in a foster home ~~or treatment foster home~~ located within the boundaries of a federally recognized American Indian reservation in this state and licensed by the tribal governing body of the reservation, in a group home licensed under s. 48.625, or in a residential care center for children and youth licensed under s. 48.60, and has been placed in the foster home, ~~treatment foster home~~, group home, or center by a county department under s. 46.215, 46.22, or 46.23, by the department, by the department of corrections, or by a federally recognized American Indian tribal governing body in this state under an agreement with a county department.✓

History: 1971 c. 125, 215, 217; 1973 c. 90, 147, 186, 328, 333; 1975 c. 39, 82, 94, 224, 307, 422; 1977 c. 29, 203, 271, 418, 449; 1979 c. 32 s. 92 (4); 1979 c. 34, 206, 221, 352; 1981 c. 1, 20, 93, 314, 317, 391; 1983 a. 27, 161, 192, 245, 310, 430, 447; 1985 a. 29, 120, 176, 281, 332; 1987 a. 27, 307, 399; 1989 a. 31, 107, 122, 359; 1991 a. 39, 178, 269, 313, 315, 316, 322; 1993 a. 16, 99, 326, 395, 437, 446, 481; 1995 a. 12; 1995 a. 27 ss. 2852 to 2871, 9126 (19); 1995 a. 77, 198, 225, 289, 295; 1997 a. 27, 35, 39, 252; 1999 a. 9; 2001 a. 59; 2003 a. 33; 2005 a. 22; 2005 a. 443 s. 265; 2007 a. 20 ss. 1459 to 1463, 9121 (6) (a).

SECTION 189. 49.19 (4e) (a) of the statutes is amended to read:

49.19 (4e) (a) If a person applying for aid is under 18 years of age, has never married, and is pregnant or has a dependent child in his or her care, the person is not eligible for aid unless he or she lives in a place maintained by his or her parent, legal guardian, or other adult relative as the parent's, guardian's or other adult relative's own home or lives in a foster home, ~~treatment foster home~~, maternity home, or other supportive living arrangement supervised by an adult.✓

History: 1971 c. 125, 215, 217; 1973 c. 90, 147, 186, 328, 333; 1975 c. 39, 82, 94, 224, 307, 422; 1977 c. 29, 203, 271, 418, 449; 1979 c. 32 s. 92 (4); 1979 c. 34, 206, 221, 352; 1981 c. 1, 20, 93, 314, 317, 391; 1983 a. 27, 161, 192, 245, 310, 430, 447; 1985 a. 29, 120, 176, 281, 332; 1987 a. 27, 307, 399; 1989 a. 31, 107, 122, 359; 1991 a. 39, 178, 269, 313, 315, 316, 322; 1993 a. 16, 99, 326, 395, 437, 446, 481; 1995 a. 12; 1995 a. 27 ss. 2852 to 2871, 9126 (19); 1995 a. 77, 198, 225, 289, 295; 1997 a. 27, 35, 39, 252; 1999 a. 9; 2001 a. 59; 2003 a. 33; 2005 a. 22; 2005 a. 443 s. 265; 2007 a. 20 ss. 1459 to 1463, 9121 (6) (a).

SECTION 190. 49.19 (10) (a) of the statutes is amended to read:

49.19 (10) (a) Aid under this section may also be granted to a nonrelative who cares for a child dependent upon the public for proper support in a foster home ~~or treatment foster home~~ having a license under s. 48.62, in a foster home ~~or treatment foster home~~ located within the boundaries of a federally recognized American Indian

1 reservation in this state and licensed by the tribal governing body of the reservation,
2 or in a group home licensed under s. 48.625, regardless of the cause or prospective
3 period of dependency. The state shall reimburse counties pursuant to the procedure
4 under s. 48.569 (2) and the percentage rate of participation set forth in s. 48.569 (1)
5 (d) for aid granted under this subsection except that if the child does not have legal
6 settlement in the granting county, state reimbursement shall be at 100%. The county
7 department under s. 46.215 or 46.22 shall determine the legal settlement of the child.
8 A child under one year of age shall be eligible for aid under this subsection
9 irrespective of any other residence requirement for eligibility within this section.✓

History: 1971 c. 125, 215, 217; 1973 c. 90, 147, 186, 328, 333; 1975 c. 39, 82, 94, 224, 307, 422; 1977 c. 29, 203, 271, 418, 449; 1979 c. 32 s. 92 (4); 1979 c. 34, 206, 221, 352; 1981 c. 1, 20, 93, 314, 317, 391; 1983 a. 27, 161, 192, 245, 310, 430, 447; 1985 a. 29, 120, 176, 281, 332; 1987 a. 27, 307, 399; 1989 a. 31, 107, 122, 359; 1991 a. 39, 178, 269, 313, 315, 346, 322; 1993 a. 16, 99, 326, 395, 437, 446, 481; 1995 a. 12; 1995 a. 27 ss. 2852 to 2871, 9126 (19); 1995 a. 77, 198, 225, 289, 295; 1997 a. 27, 35, 39, 252; 1999 a. 9; 2001 a. 59; 2003 a. 33; 2005 a. 22; 2005 a. 443 s. 265; 2007 a. 20 ss. 1459 to 1463, 9121 (6) (a).

10 **SECTION 191.** 49.19 (10) (c) of the statutes is amended to read:

11 49.19 (10) (c) Reimbursement under par. (a) may also be paid to the county
12 when the child is placed in a licensed foster home, ~~treatment foster home~~, group
13 home, or residential care center for children and youth by a licensed child welfare
14 agency or by a federally recognized American Indian tribal governing body in this
15 state or by its designee, if the child is in the legal custody of the county department
16 under s. 46.215, 46.22, or 46.23 or if the child was removed from the home of a relative
17 specified in sub. (1) (a) as a result of a judicial determination that continuance in the
18 home of the relative would be contrary to the child's welfare for any reason and the
19 placement is made ~~pursuant to~~ under an agreement with the county department.✓

History: 1971 c. 125, 215, 217; 1973 c. 90, 147, 186, 328, 333; 1975 c. 39, 82, 94, 224, 307, 422; 1977 c. 29, 203, 271, 418, 449; 1979 c. 32 s. 92 (4); 1979 c. 34, 206, 221, 352; 1981 c. 1, 20, 93, 314, 317, 391; 1983 a. 27, 161, 192, 245, 310, 430, 447; 1985 a. 29, 120, 176, 281, 332; 1987 a. 27, 307, 399; 1989 a. 31, 107, 122, 359; 1991 a. 39, 178, 269, 313, 315, 346, 322; 1993 a. 16, 99, 326, 395, 437, 446, 481; 1995 a. 12; 1995 a. 27 ss. 2852 to 2871, 9126 (19); 1995 a. 77, 198, 225, 289, 295; 1997 a. 27, 35, 39, 252; 1999 a. 9; 2001 a. 59; 2003 a. 33; 2005 a. 22; 2005 a. 443 s. 265; 2007 a. 20 ss. 1459 to 1463, 9121 (6) (a).

20 **SECTION 192.** 49.19 (10) (d) of the statutes is amended to read:

21 49.19 (10) (d) Aid may also be paid under this section to a licensed foster home,
22 ~~treatment foster home~~, group home, or residential care center for children and youth

1 by the state when the child is in the custody or guardianship of the state, when the
2 child is a ward of an American Indian tribal court in this state and the placement is
3 made under an agreement between the department and the tribal governing body,
4 or when the child was part of the state's direct service case load and was removed
5 from the home of a relative specified in sub. (1) (a) as a result of a judicial
6 determination that continuance in the home of a relative would be contrary to the
7 child's welfare for any reason and the child is placed by the department or the
8 department of corrections.✓

History: 1971 c. 125, 215, 217; 1973 c. 90, 147, 186, 328, 333; 1975 c. 39, 82, 94, 224, 307, 422; 1977 c. 29, 203, 271, 418, 449; 1979 c. 32 s. 92 (4); 1979 c. 34, 206, 221, 352; 1981 c. 1, 20, 93, 314, 317, 391; 1983 a. 27, 161, 192, 245, 310, 430, 447; 1985 a. 29, 120, 176, 281, 332; 1987 a. 27, 307, 399; 1989 a. 31, 107, 122, 359; 1991 a. 39, 178, 269, 313, 315, 316, 322; 1993 a. 16, 99, 326, 395, 437, 446, 481; 1995 a. 12; 1995 a. 27 ss. 2852 to 2871, 9126 (19); 1995 a. 77, 198, 225, 289, 295; 1997 a. 27, 35, 39, 252; 1999 a. 9; 2001 a. 59; 2003 a. 33; 2005 a. 22; 2005 a. 443 s. 265; 2007 a. 20 ss. 1459 to 1463, 9121 (6) (a).

9 **SECTION 193.** 49.19 (10) (e) of the statutes is amended to read:

10 49.19 (10) (e) Notwithstanding pars. (a), (c), and (d), aid under this section may
11 not be granted for placement of a child in a foster home or ~~treatment foster home~~
12 licensed by a federally recognized American Indian tribal governing body, for
13 placement of a child in a foster home, ~~treatment foster home~~, or residential care
14 center for children and youth by a tribal governing body or its designee, for the
15 placement of a child who is a ward of a tribal court if the tribal governing body is
16 receiving or is eligible to receive funds from the federal government for that type of
17 placement, or for placement of a child in a group home licensed under s. 48.625.✓

History: 1971 c. 125, 215, 217; 1973 c. 90, 147, 186, 328, 333; 1975 c. 39, 82, 94, 224, 307, 422; 1977 c. 29, 203, 271, 418, 449; 1979 c. 32 s. 92 (4); 1979 c. 34, 206, 221, 352; 1981 c. 1, 20, 93, 314, 317, 391; 1983 a. 27, 161, 192, 245, 310, 430, 447; 1985 a. 29, 120, 176, 281, 332; 1987 a. 27, 307, 399; 1989 a. 31, 107, 122, 359; 1991 a. 39, 178, 269, 313, 315, 316, 322; 1993 a. 16, 99, 326, 395, 437, 446, 481; 1995 a. 12; 1995 a. 27 ss. 2852 to 2871, 9126 (19); 1995 a. 77, 198, 225, 289, 295; 1997 a. 27, 35, 39, 252; 1999 a. 9; 2001 a. 59; 2003 a. 33; 2005 a. 22; 2005 a. 443 s. 265; 2007 a. 20 ss. 1459 to 1463, 9121 (6) (a).

18 **SECTION 194.** 49.22 (6) of the statutes is amended to read:

19 49.22 (6) The department shall establish, pursuant to federal and state laws,
20 rules, and regulations, a uniform system of fees for services provided under this
21 section to individuals not receiving aid under s. 48.645, 49.19, 49.47, or 49.471;
22 benefits under s. 49.148, 49.155, or 49.79; or foster care maintenance payments

1 under 42 USC 670 to 679a; ~~or kinship care payments under s. 48.57 (3m) or~~
2 ~~long-term kinship care payments under s. 48.57 (3n).~~ The system of fees may take
3 into account an individual's ability to pay. Any fee paid and collected under this
4 subsection may be retained by the county providing the service except for the fee
5 specified in 42 USC 653 (e) (2) for federal parent locator services. ✓

History: 1975 c. 82; 1977 c. 26, 29, 203, 418; 1979 c. 196, 221; 1981 c. 20, 93; 1983 a. 27; 1985 a. 29 ss. 861m to 866, 2390 to 2399; 1987 a. 27; 1987 a. 332 s. 64; 1987 a. 399, 403, 413; 1989 a. 31; 1991 a. 39; 1993 a. 16, 481; 1995 a. 27 ss. 2128m to 2134, 9126 (19), 9130 (4); 1995 a. 77, 187, 201, 225, 289; 1995 a. 404 ss. 39 to 43, 45, 46, 48, 173, 174; ~~Stats. 1995 s. 49.22; 1997 a. 27, 105, 191, 237; 1999 a. 32; 2001 a. 16; 2003 a. 33; 2005 a. 25; 2007 a. 20 ss. 1467 to 1472, 9121 (6) (a).~~

6 **SECTION 195.** 49.22 (7m) of the statutes is amended to read: *The*

7 49.22 (7m) The department may contract with or employ a collection agency
8 or other person to enforce a support obligation of a parent who is delinquent in
9 making support payments and may contract with or employ an attorney to appear
10 in an action in state or federal court to enforce ~~such an~~ obligation. To pay for the
11 department's administrative costs of implementing this subsection, the department
12 may charge a fee to counties, use federal matching funds or funds retained by the
13 department under s. 49.24 (2) (c), or use up to 30% of this state's share of a collection
14 made under this subsection on behalf of a recipient of aid to families with dependent
15 children ~~or a recipient of kinship care payments under s. 48.57 (3m) or long-term~~
16 ~~kinship care payments under s. 48.57 (3n).~~ ✓

History: 1975 c. 82; 1977 c. 26, 29, 203, 418; 1979 c. 196, 221; 1981 c. 20, 93; 1983 a. 27; 1985 a. 29 ss. 861m to 866, 2390 to 2399; 1987 a. 27; 1987 a. 332 s. 64; 1987 a. 399, 403, 413; 1989 a. 31; 1991 a. 39; 1993 a. 16, 481; 1995 a. 27 ss. 2128m to 2134, 9126 (19), 9130 (4); 1995 a. 77, 187, 201, 225, 289; 1995 a. 404 ss. 39 to 43, 45, 46, 48, 173, 174; ~~Stats. 1995 s. 49.22; 1997 a. 27, 105, 191, 237; 1999 a. 32; 2001 a. 16; 2003 a. 33; 2005 a. 25; 2007 a. 20 ss. 1467 to 1472, 9121 (6) (a).~~

17 **SECTION 196.** 49.32 (9) (a) of the statutes is amended to read:

18 49.32 (9) (a) Each county department under s. 46.215, 46.22, or 46.23
19 administering aid to families with dependent children shall maintain a monthly
20 report at its office showing the names of all persons receiving aid to families with
21 dependent children together with the amount paid during the preceding month.
22 Each Wisconsin Works agency administering Wisconsin Works under ss. 49.141 to

1 49.161 shall maintain a monthly report at its office showing the names of all persons
2 receiving benefits under s. 49.148 together with the amount paid during the
3 preceding month. Nothing in this paragraph shall be construed to authorize or
4 require the disclosure in the report of any information (names, amounts of aid or
5 otherwise) pertaining to adoptions, or aid furnished for the care of children in foster
6 homes ~~or treatment foster homes~~ under s. 48.645 or 49.19 (10).✓

History: 1995 a. 27 ss. 2035 to 2037, 2276d, 2805 to 2809, 2927 to 2930, 3146 to 3149; 1995 a. 289, 361, 370, 404; 1997 a. 27, 35, 237, 252, 283; 2001
a. 16; 2003 a. 33; 2007 a. 20 ss. 1483 to 1491, 9121 (6) (a).

7 **SECTION 197.** 49.34 (1) of the statutes is amended to read:

8 49.34 (1) All services under this subchapter and ch. 48 purchased by the
9 department or by a county department under s. 46.215, 46.22, or 46.23 shall be
10 authorized and contracted for under the standards established under this section.
11 The department may require the county departments to submit the contracts to the
12 department for review and approval. For purchases of \$10,000 or less the
13 requirement for a written contract may be waived by the department. No contract
14 is required for care provided by foster homes ~~or treatment foster homes~~ that are
15 required to be licensed under s. 48.62. When the department directly contracts for
16 services, it shall follow the procedures in this section in addition to meeting
17 purchasing requirements established in s. 16.75.✓

History: 1995 a. 27; 1997 a. 79; 2007 a. 20. X

18 **SECTION 198.** 49.345 (14) (a) of the statutes is amended to read:

19 49.345 (14) (a) Except as provided in pars. (b) and (c), liability of a person
20 specified in sub. (2) or s. 49.32 (1) for care and maintenance of persons under 18 years
21 of age in residential, nonmedical facilities such as group homes, foster homes,
22 ~~treatment foster homes~~, subsidized guardianship homes, and residential care
23 centers for children and youth is determined in accordance with the cost-based fee
24 established under s. 49.32 (1). The department shall bill the liable person up to any

1 amount of liability not paid by an insurer under s. 632.89 (2) or (2m) or by other
2 3rd-party benefits, subject to rules that include formulas governing ability to pay
3 established by the department under s. 49.32 (1). Any liability of the person not
4 payable by any other person terminates when the person reaches age 18, unless the
5 liable person has prevented payment by any act or omission. ✓

History: 2007 a. 20 ss. 893, 1507. X

6 **SECTION 199.** 49.345 (14) (b) of the statutes is amended to read:

7 49.345 (14) (b) Except as provided in par. (c), and subject to par. (cm), liability
8 of a parent specified in sub. (2) or s. 49.32 (1) for the care and maintenance of the
9 parent's minor child who has been placed by a court order under s. 48.355 or 48.357
10 in a residential, nonmedical facility such as a group home, foster home, ~~treatment~~
11 ~~foster home~~, subsidized guardianship home, or residential care center for children
12 and youth shall be determined by the court by using the percentage standard
13 established by the department under s. 49.22 (9) and by applying the percentage
14 standard in the manner established by the department under par. (g). ✓

History: 2007 a. 20 ss. 893, 1507. X

15 **SECTION 200.** 49.45 (3) (e) 7. of the statutes is amended to read:

16 49.45 (3) (e) 7. The daily reimbursement or payment rate to a hospital for
17 services provided to medical assistance recipients awaiting admission to a skilled
18 nursing home, intermediate care facility, community-based residential facility,
19 group home, foster home, ~~treatment foster home~~ or other custodial living
20 arrangement may not exceed the maximum reimbursement or payment rate based
21 on the average adjusted state skilled nursing facility rate, created under sub. (6m).
22 This limited reimbursement or payment rate to a hospital commences on the date the
23 department, through its own data or information provided by hospitals, determines
24 that continued hospitalization is no longer medically necessary or appropriate

1 during a period ~~where~~ when the recipient awaits placement in an alternate custodial
2 living arrangement. The department may contract with a peer review organization,
3 established under 42 USC 1320c to 1320c-10, to determine that continued
4 hospitalization of a recipient is no longer necessary and that admission to an
5 alternate custodial living arrangement is more appropriate for the continued care of
6 the recipient. In addition, the department may contract with a peer review
7 organization to determine the medical necessity or appropriateness of physician
8 services or other services provided during the period when a hospital patient awaits
9 placement in an alternate custodial living arrangement. ✓

History: 1971 c. 40 s. 93; 1971 c. 42, 125; 1971 c. 213 s. 5; 1971 c. 215, 217, 307; 1973 c. 62, 90, 147; 1973 c. 333 ss. 106g, 106h, 106j, 201w; 1975 c. 39; 1975 c. 223 s. 28; 1975 c. 224 ss. 54h, 56 to 59m; 1975 c. 383 s. 4; 1975 c. 411; 1977 c. 29, 418; 1979 c. 34 ss. 837f to 838, 2102 (20) (a); 1979 c. 102, 177, 221, 355; 1981 c. 20 ss. 839 to 854, 2202 (20) (r); 1981 c. 93, 317; 1983 a. 27 ss. 1046 to 1062m, 2200 (42); 1983 a. 245, 447, 527; 1985 a. 29 ss. 1026m to 1031d, 3200 (23), (56), 3202 (27); 1985 a. 120, 176, 269; 1985 a. 332 ss. 91, 251 (5), 253; 1985 a. 340; 1987 a. 27 ss. 989r to 1000s, 2247, 3202 (24); 1987 a. 186, 307, 339, 399; 1987 a. 403 s. 256; 1987 a. 413; 1989 a. 6; 1989 a. 31 ss. 1402 to 1452g, 2909g, 2909i; 1989 a. 107, 173, 310, 336, 351, 359; 1991 a. 22, 39, 80, 250, 269, 315, 316; 1993 a. 16 ss. 1362g to 1403, 3883; 1993 a. 27, 107, 112, 183, 212, 246, 269, 335, 356, 437, 446, 469; 1995 a. 20; 1995 a. 27 ss. 2947 to 3002r, 7299, 9126 (19), 9130 (4), 9145 (1); 1995 a. 191, 216, 225, 289, 303, 398, 417, 457; 1997 a. 3, 13, 27, 114, 175, 191, 237, 252, 293; 1999 a. 9, 63, 103, 180, 185; 2001 a. 13, 16, 35, 38, 57, 67, 104, 109; 2003 a. 38, 818, 321; 2005 a. 22; 2005 a. 25 ss. 1120 to 1149f, 2503 to 2510; 2005 a. 107, 165, 253, 254, 264, 301, 340, 386, 441; 2007 a. 20 ss. 1513 to 1559h, 9121 (6) (A); 2007 a. 90, 97, 104, 141, 153.

10 **SECTION 201.** 49.46 (1) (a) 5. of the statutes is amended to read:

11 49.46 (1) (a) 5. Any child in an adoption assistance, foster care, ~~treatment foster~~
12 ~~care~~, or subsidized guardianship placement under ch. 48 or 938, as determined by
13 the department. ✓

History: 1971 c. 125, 211, 215; 1973 c. 90, 147; 1975 c. 39; 1977 c. 29 ss. 592m, 1656 (18); 1977 c. 389, 418; 1979 c. 34, 221; 1981 c. 20, 93, 317; 1983 a. 27; 1983 a. 189 s. 329 (5); 1983 a. 245 ss. 10, 15; 1983 a. 538; 1985 a. 29, 120, 176, 253; 1987 a. 27, 307, 339, 399, 413; 1989 a. 9; 1989 a. 31 ss. 1454d to 1460 and 2909g, 2909i; 1989 a. 122, 173, 333, 336, 351; 1991 a. 39, 178, 269, 316; 1993 a. 16, 99, 269, 277, 446, 450, 491; 1995 a. 27, 77, 164, 289, 303, 457; 1997 a. 27, 35, 105, 237; 1999 a. 9; 2001 a. 16; 2003 a. 83; 2005 a. 25, 253; 2007 a. 20, 91.

14 **SECTION 202.** 49.46 (1) (a) 16. of the statutes is repealed. ✓

15 **SECTION 203.** 49.46 (1) (d) 1. of the statutes is amended to read:

16 49.46 (1) (d) 1. Children who are placed in licensed foster homes ~~or licensed~~
17 ~~treatment foster homes~~ by the department and who would be eligible for payment
18 of aid to families with dependent children in foster homes ~~or treatment foster homes~~
19 except that their placement is not made by a county department under s. 46.215,

1 46.22, or 46.23 will be considered as recipients of aid to families with dependent
2 children. ✓

History: 1971 c. 125, 211, 215; 1973 c. 90, 147; 1975 c. 39; 1977 c. 29 ss. 592m, 1656 (18); 1977 c. 389, 418; 1979 c. 34, 221; 1981 c. 20, 93, 317; 1983 a. 27; 1983 a. 189 s. 329 (5); 1983 a. 245 ss. 10, 15; 1983 a. 538; 1985 a. 29, 120, 176, 253; 1987 a. 27, 307, 339, 399, 413; 1989 a. 9; 1989 a. 31 ss. 1454d to 1460 and 2909g, 2909i; 1989 a. 122, 173, 333, 336, 351; 1991 a. 39, 178, 269, 316; 1993 a. 16, 99, 269, 277, 446, 450, 491; 1995 a. 27, 77, 164, 289, 303, 457; 1997 a. 27, 35, 105, 237; 1999 a. 9; 2001 a. 16; 2003 a. 33; 2005 a. 25, 253; 2007 a. 20, 91.

3 **SECTION 204.** 49.471 (4) (a) 5. of the statutes is amended to read:

4 49.471 (4) (a) 5. An individual who, regardless of family income, was born on
5 or after January 1, 1990, and who, on his or her 18th birthday, was in a foster care
6 or treatment foster care placement under the responsibility of a state, as determined
7 by the department. The coverage for an individual under this subdivision ends on
8 the last day of the month in which the individual becomes 21 years of age, unless he
9 or she otherwise loses eligibility sooner. ✓

History: 2007 a. 20. ✓

10 **SECTION 205.** 49.96 of the statutes is amended to read:

11 **49.96 Assistance grants exempt from levy.** All grants of aid to families with
12 dependent children, payments made under ss. 48.57 (3m) or (3n), 49.148 (1) (b) 1. or
13 (c) or (1m) or 49.149 to 49.159, payments made for social services, cash benefits paid
14 by counties under s. 59.53 (21), and benefits under s. 49.77 or federal Title XVI, are
15 exempt from every tax, and from execution, garnishment, attachment, and every
16 other process and shall be inalienable. ✓

History: 1973 c. 147; 1987 a. 27, 399; 1989 a. 278; 1995 a. 27 s. 2940; Stats. 1995 s. 49.96; 1995 a. 201, 289; 1997 a. 27, 35, 105.

17 **SECTION 206.** 50.01 (1) (a) 2. of the statutes is amended to read:

18 50.01 (1) (a) 2. The private residence was licensed under s. 48.62 as a foster
19 home or treatment foster home for the care of the adults specified in subd. 1. at least
20 12 months before any of the adults attained 18 years of age. ✓

History: 1975 c. 413; 1977 c. 170, 418; 1979 a. 111; 1983 a. 189 s. 329 (18); 1985 a. 29, 276; 1985 a. 332 s. 251 (1); 1987 a. 127, 161; 1989 a. 31, 136, 199; 1991 a. 39; 1993 a. 327, 446, 491; 1995 a. 27; 1997 a. 13, 27, 156, 237; 1999 a. 22, 32; 2001 a. 74, 107; 2003 a. 33; 2005 a. 187; 2007 a. 20, 153.

21 **SECTION 207.** 50.065 (1) (c) 2. of the statutes is repealed. ✓

22 **SECTION 208.** 59.69 (15) (intro.) of the statutes is amended to read:

1 59.69 (15) COMMUNITY AND OTHER LIVING ARRANGEMENTS. (intro.) For purposes
2 of this section, the location of a community living arrangement for adults, as defined
3 in s. 46.03 (22), a community living arrangement for children, as defined in s. 48.743
4 (1), a foster home, as defined in s. 48.02 (6), ~~a treatment foster home, as defined in~~
5 ~~s. 48.02 (17q)~~, or an adult family home, as defined in s. 50.01 (1), in any municipality,
6 shall be subject to the following criteria: ✓

History: 1971 c. 40 s. 93; 1971 c. 86, 224; 1973 c. 274; 1977 c. 205; 1979 c. 233 ss. 2 to 5, 7 and 8; 1979 c. 323; 1981 c. 341, 354, 374; 1983 a. 192 s. 303 (1); 1983 a. 410; 1983 a. 532 s. 36; 1985 a. 29, 136, 196, 281, 316; 1987 a. 161, 395; 1989 a. 80, 201; 1991 a. 255, 269, 316; 1993 a. 16, 27, 246, 327, 400, 446, 491; 1995 a. 27 ss. 9130 (4), 9126 (19); 1995 a. 201 s. 475; Stats. 1995 s. 59.69; 1995 a. 225 s. 174; 1995 a. 227; 1997 a. 3, 35; 1999 a. 9, 148, 185; 2001 a. 16, 30, 50, 105; 2003 a. 214; 2005 a. 26, 79, 81, 112, 171, 208; 2007 a. 11; 2007 a. 20 ss. 1852 to 1857, 9121 (6) (a).

7 **SECTION 209.** 59.69 (15) (bm) of the statutes is amended to read:

8 59.69 (15) (bm) A foster home ~~or a treatment foster home~~ that is the primary
9 domicile of a foster parent ~~or treatment foster parent~~ and that is licensed under s.
10 48.62 or an adult family home certified under s. 50.032 (1m) (b) shall be a permitted
11 use in all residential areas and is not subject to pars. (a) and (b) except that foster
12 homes ~~and treatment foster homes~~ operated by corporations, child welfare agencies,
13 religious associations, as defined in s. 157.061 (15), associations, or public agencies
14 shall be subject to pars. (a) and (b). ✓

History: 1971 c. 40 s. 93; 1971 c. 86, 224; 1973 c. 274; 1977 c. 205; 1979 c. 233 ss. 2 to 5, 7 and 8; 1979 c. 323; 1981 c. 341, 354, 374; 1983 a. 192 s. 303 (1); 1983 a. 410; 1983 a. 532 s. 36; 1985 a. 29, 136, 196, 281, 316; 1987 a. 161, 395; 1989 a. 80, 201; 1991 a. 255, 269, 316; 1993 a. 16, 27, 246, 327, 400, 446, 491; 1995 a. 27 ss. 9130 (4), 9126 (19); 1995 a. 201 s. 475; Stats. 1995 s. 59.69; 1995 a. 225 s. 174; 1995 a. 227; 1997 a. 3, 35; 1999 a. 9, 148, 185; 2001 a. 16, 30, 50, 105; 2003 a. 214; 2005 a. 26, 79, 81, 112, 171, 208; 2007 a. 11; 2007 a. 20 ss. 1852 to 1857, 9121 (6) (a).

15 **SECTION 210.** 60.63 (intro.) of the statutes is amended to read:

16 **60.63 Community and other living arrangements.** (intro.) For purposes
17 of s. 60.61, the location of a community living arrangement for adults, as defined in
18 s. 46.03 (22), a community living arrangement for children, as defined in s. 48.743
19 (1), a foster home, as defined in s. 48.02 (6), ~~a treatment foster home, as defined in~~
20 ~~s. 48.02 (17q)~~, or an adult family home, as defined in s. 50.01 (1), in any town shall
21 be subject to the following criteria: ✓

History: 1983 a. 532; 1985 a. 281; 1987 a. 161; 1989 a. 56, 201; 1993 a. 27, 327, 446, 491; 1995 a. 27 s. 9126 (19); 1995 a. 225, 417; 2007 a. 20 ss. 1861 to 1866, 9121 (6) (a).

22 **SECTION 211.** 60.63 (3) of the statutes is amended to read:

SECTION 211

60.63 (3) A foster home ~~or a treatment foster home~~ that is the primary domicile of a foster parent ~~or treatment foster parent~~ and that is licensed under s. 48.62 or an adult family home certified under s. 50.032 (1m) (b) shall be a permitted use in all residential areas and is not subject to subs. (1) and (2) except that foster homes and ~~treatment foster homes~~ operated by corporations, child welfare agencies, churches, associations, or public agencies shall be subject to subs. (1) and (2). ✓

History: 1983 a. 532; 1985 a. 281; 1987 a. 161; 1989 a. 56, 201; 1993 a. 27, 327, 446, 491; 1995 a. 27 s. 9126 (19); 1995 a. 225, 417; 2007 a. 20 ss. 1861 to 1866, 9121 (6) (a).

SECTION 212. 62.23 (7) (i) (intro.) of the statutes is amended to read:

62.23 (7) (i) *Community and other living arrangements.* (intro.) For purposes of this section, the location of a community living arrangement for adults, as defined in s. 46.03 (22), a community living arrangement for children, as defined in s. 48.743 (1), a foster home, as defined in s. 48.02 (6), ~~a treatment foster home, as defined in s. 48.02 (17q),~~ or an adult family home, as defined in s. 50.01 (1), in any city shall be subject to the following criteria: ✓

History: 1973 c. 60; 1975 c. 281; 1977 c. 205; 1979 c. 221, 355; 1981 c. 289, 341, 354, 374; 1983 a. 49, 410; 1985 a. 136 ss. 7 to 9, 10; 1985 a. 187, 225, 281, 316; 1987 a. 161, 395; 1989 a. 201; 1991 a. 255, 316; 1993 a. 27, 184, 301, 327, 400, 446, 471, 490, 491; 1995 a. 27 ss. 9126 (19), 9130 (4); 1995 a. 225; 1997 a. 3, 35, 246; 1999 a. 9, 148; 1999 a. 150 s. 672; 2001 a. 30 ss. 16, 17, 108; 2001 a. 50; 2005 a. 26, 34, 79, 81, 112, 171, 208; 2007 a. 20 ss. 1868 to 1873, 9121 (6) (a); 2007 a. 72.

SECTION 213. 62.23 (7) (i) 2m. of the statutes is amended to read:

62.23 (7) (i) 2m. A foster home ~~or treatment foster home~~ that is the primary domicile of a foster parent ~~or treatment foster parent~~ and that is licensed under s. 48.62 or an adult family home certified under s. 50.032 (1m) (b) shall be a permitted use in all residential areas and is not subject to subds. 1. and 2. except that foster homes and ~~treatment foster homes~~ operated by corporations, child welfare agencies, churches, associations, or public agencies shall be subject to subds. 1. and 2. ✓

History: 1973 c. 60; 1975 c. 281; 1977 c. 205; 1979 c. 221, 355; 1981 c. 289, 341, 354, 374; 1983 a. 49, 410; 1985 a. 136 ss. 7 to 9, 10; 1985 a. 187, 225, 281, 316; 1987 a. 161, 395; 1989 a. 201; 1991 a. 255, 316; 1993 a. 27, 184, 301, 327, 400, 446, 471, 490, 491; 1995 a. 27 ss. 9126 (19), 9130 (4); 1995 a. 225; 1997 a. 3, 35, 246; 1999 a. 9, 148; 1999 a. 150 s. 672; 2001 a. 30 ss. 16, 17, 108; 2001 a. 50; 2005 a. 26, 34, 79, 81, 112, 171, 208; 2007 a. 20 ss. 1868 to 1873, 9121 (6) (a); 2007 a. 72.

SECTION 214. 103.10 (1) (a) (intro.) of the statutes is amended to read:

1 103.10 (1) (a) (intro.) "Child" means a natural, adopted, foster or treatment or
2 foster child, a stepchild, or a legal ward to whom any of the following applies: ✓

3 **History:** 1987 a. 287; 1989 a. 228; 1991 a. 39; 1993 a. 446; 1995 a. 27 s. 9130 (4); 1997 a. 3, 156; 2001 a. 74; 2003 a. 33.

3 **SECTION 215.** 103.10 (1) (f) of the statutes is amended to read:

4 103.10 (1) (f) "Parent" means a natural parent, foster parent, treatment foster
5 parent, adoptive parent, stepparent, or legal guardian of an employee or an
6 employee's spouse. ✓

7 **History:** 1987 a. 287; 1989 a. 228; 1991 a. 39; 1993 a. 446; 1995 a. 27 s. 9130 (4); 1997 a. 3, 156; 2001 a. 74; 2003 a. 33.

7 **SECTION 216.** 118.175 (1) of the statutes is amended to read:

8 118.175 (1) This section does not apply to a pupil who has a legal custodian, as
9 defined in s. 48.02 (11) or 938.02 (11), or who is cared for by a kinship care relative,
10 as defined in s. 48.57 (3m) (a) ²48.02 (15). ✓

11 **History:** 1999 a. 9, 133; 2007 a. 20 s. 9121 (a).

11 **SECTION 217.** 121.79 (1) (d) (intro.) of the statutes is amended to read:

12 121.79 (1) (d) (intro.) For pupils in foster homes, treatment foster homes, or
13 group homes, if the foster home, treatment foster home, or group home is located
14 outside the school district in which the pupil's parent or guardian resides and either
15 of the following applies: ✓

16 **History:** 1971 c. 125 ss. 459, 460, 522 (1); 1973 c. 89, 90, 336; 1975 c. 39, 199; 1977 c. 29; 1979 c. 34 s. 2102 (43) (a); 1979 c. 60, 221; 1983 a. 27 ss. 1486m,
2202 (42); 1985 a. 29; 1993 a. 446; 2001 a. 16.

16 **SECTION 218.** 121.79 (1) (d) 2. of the statutes is amended to read:

17 121.79 (1) (d) 2. The foster, treatment foster or group home is exempted under
18 s. 70.11. ✓

19 **History:** 1971 c. 125 ss. 459, 460, 522 (1); 1973 c. 89, 90, 336; 1975 c. 39, 199; 1977 c. 29; 1979 c. 34 s. 2102 (43) (a); 1979 c. 60, 221; 1983 a. 27 ss. 1486m,
2202 (42); 1985 a. 29; 1993 a. 446; 2001 a. 16.

19 **SECTION 219.** 121.79 (1) (d) 3. of the statutes is amended to read:

20 121.79 (1) (d) 3. The pupil is a child with a disability, as defined in s. 115.76 (5),
21 and at least 4% of the pupils enrolled in the school district reside in foster homes,
22 treatment foster homes, or group homes that are not exempt under s. 70.11.

1 Notwithstanding s. 121.83 (1) (d), the annual tuition rate for pupils under this
2 subdivision is the special annual tuition rate only, as described in s. 121.83 (1) (c). ✓

History: 1971 c. 125 ss. 459, 460, 522 (1); 1973 c. 89, 90, 336; 1975 c. 39, 199; 1977 c. 29; 1979 c. 34 s. 2102 (43) (a); 1979 c. 60, 221; 1983 a. 27 ss. 1486m, 2202 (42); 1985 a. 29; 1993 a. 446; 2001 a. 16. ✓

3 **SECTION 220.** 146.82 (2) (a) 18m. of the statutes is amended to read:

4 146.82 (2) (a) 18m. If the subject of the patient health care records is a child
5 or juvenile who has been placed in a foster home, ~~treatment foster home~~, group home,
6 residential care center for children and youth, or juvenile correctional facility,
7 including a placement under s. 48.205, 48.21, 938.205, or 938.21, or for whom
8 placement in a foster home, ~~treatment foster home~~, group home, residential care
9 center for children and youth, or juvenile correctional facility is recommended under
10 s. 48.33 (4), 48.425 (1) (g), 48.837 (4) (c), or 938.33 (3) or (4), to an agency directed by
11 a court to prepare a court report under s. 48.33 (1), 48.424 (4) (b), 48.425 (3), 48.831
12 (2), 48.837 (4) (c), or 938.33 (1), to an agency responsible for preparing a court report
13 under s. 48.365 (2g), 48.425 (1), 48.831 (2), 48.837 (4) (c), or 938.365 (2g), to an agency
14 responsible for preparing a permanency plan under s. 48.355 (2e), 48.38, 48.43 (1)
15 (c) or (5) (c), 48.63 (4) or (5) (c), 48.831 (4) (e), 938.355 (2e), or 938.38 regarding the
16 child or juvenile, or to an agency that placed the child or juvenile or arranged for the
17 placement of the child or juvenile in any of those placements and, by any of those
18 agencies, to any other of those agencies and, by the agency that placed the child or
19 juvenile or arranged for the placement of the child or juvenile in any of those
20 placements, to the foster parent or ~~treatment foster parent~~ of the child or juvenile
21 or the operator of the group home, residential care center for children and youth, or
22 juvenile correctional facility in which the child or juvenile is placed, as provided in
23 s. 48.371 or 938.371. ✓

History: 1979 c. 221; 1983 a. 398; 1985 a. 29, 241, 332, 340; 1987 a. 40, 70, 127, 215, 233, 380, 399; 1989 a. 31, 102, 334, 336; 1991 a. 39; 1993 a. 16, 27, 445, 479; 1995 a. 98, 169, 417; 1997 a. 35, 114, 231, 272, 292, 305; 1999 a. 32, 78, 83, 114, 151; 2001 a. 38, 59, 69, 105; 2003 a. 281; 2005 a. 187, 344, 387, 388, 434; 2007 a. 20 s. 9121 (6) (a); 2007 a. 45, 106, 108, 130.

X
1 **SECTION 221.** 167.10 (7) of the statutes is amended to read:

2 167.10 (7) PARENTAL LIABILITY. A parent, foster parent, ~~treatment foster parent,~~
3 family-operated group home parent, or legal guardian of a minor who consents to the
4 use of fireworks by the minor is liable for damages caused by the minor's use of the
5 fireworks.✓

History: 1977 c. 260; 1983 a. 446, 538; 1985 a. 135; 1987 a. 377; 1987 a. 403 s. 256; 1989 a. 31; 1989 a. 56 s. 258; 1993 a. 208, 446, 491; 1995 a. 27 ss. 4464 to 4469 and 9116 (5); 1995 a. 330; 1997 a. 35, 283; 2001 a. 109; 2003 a. 298; 2007 a. 20.

6 **SECTION 222.** 252.15 (5) (a) 19. of the statutes is amended to read:

7 252.15 (5) (a) 19. If the test was administered to a child who has been placed
8 in a foster home, ~~treatment foster home,~~ group home, residential care center for
9 children and youth, or juvenile correctional facility, as defined in s. 938.02 (10p),
10 including a placement under s. 48.205, 48.21, 938.205, or 938.21, or for whom
11 placement in a foster home, ~~treatment foster home,~~ group home, residential care
12 center for children and youth, or juvenile correctional facility is recommended under
13 s. 48.33 (4), 48.425 (1) (g), 48.837 (4) (c), or 938.33 (3) or (4), to an agency directed by
14 a court to prepare a court report under s. 48.33 (1), 48.424 (4) (b), 48.425 (3), 48.831
15 (2), 48.837 (4) (c), or 938.33 (1), to an agency responsible for preparing a court report
16 under s. 48.365 (2g), 48.425 (1), 48.831 (2), 48.837 (4) (c), or 938.365 (2g), to an agency
17 responsible for preparing a permanency plan under s. 48.355 (2e), 48.38, 48.43 (1)
18 (c) or (5) (c), 48.63 (4) or (5) (c), 48.831 (4) (e), 938.355 (2e), or 938.38 regarding the
19 child, or to an agency that placed the child or arranged for the placement of the child
20 in any of those placements and, by any of those agencies, to any other of those
21 agencies and, by the agency that placed the child or arranged for the placement of
22 the child in any of those placements, to the child's foster parent or ~~treatment foster~~
23 parent or the operator of the group home, residential care center for children and

1 youth, or juvenile correctional facility in which the child is placed, as provided in s.
2 48.371 or 938.371.✓

History: 1985 a. 29, 73, 120; 1987 a. 70 ss. 13 to 27, 36; 1987 a. 403 ss. 136, 256; 1989 a. 200; 1989 a. 201 ss. 11 to 25, 36; 1989 a. 298, 359; 1991 a. 269; 1993 a. 16 s. 2567; 1993 a. 27 ss. 332, 334, 337, 340, 342; Stats. 1993 s. 252.15; 1993 a. 32, 183, 190, 252, 395, 491; 1995 a. 27 ss. 6323, 9116 (5), 9126 (19); 1995 a. 77, 275; 1997 a. 54, 80, 156, 188; 1999 a. 9, 32, 79, 151, 162, 188; 2001 a. 38, 59, 69, 74, 103, 105; 2003 a. 271; 2005 a. 155, 187, 266, 344, 387; 2007 a. 97, 106, 130.

3 **SECTION 223.** 253.10 (3) (c) 2. c. of the statutes is amended to read:

4 253.10 (3) (c) 2. c. That the woman has a legal right to continue her pregnancy
5 and to keep the child; to place the child in a foster home ~~or treatment foster home~~ for
6 6 months or to petition a court for placement of the child in a foster home, ~~treatment~~
7 ~~foster home~~ or group home or with a relative; or to place the child for adoption under
8 a process that involves court approval both of the voluntary termination of parental
9 rights and of the adoption.✓

History: 1985 a. 56, 176; 1991 a. 263; 1993 a. 27 s. 378; Stats. 1993 s. 253.10; 1995 a. 309; 1997 a. 27; 1999 a. 9; 2005 a. 155, 277, 387; 2007 a. 20.

10 **SECTION 224.** 301.12 (14) (a) of the statutes is amended to read:

11 301.12 (14) (a) Except as provided in pars. (b) and (c), liability of a person
12 specified in sub. (2) or s. 301.03 (18) for care and maintenance of persons under 17
13 years of age in residential, nonmedical facilities such as group homes, foster homes,
14 ~~treatment foster homes~~, residential care centers for children and youth, and juvenile
15 correctional institutions is determined in accordance with the cost-based fee
16 established under s. 301.03 (18). The department shall bill the liable person up to
17 any amount of liability not paid by an insurer under s. 632.89 (2) or (2m) or by other
18 3rd-party benefits, subject to rules ~~which~~ ^{that} include formulas governing ability to pay
19 promulgated by the department under s. 301.03 (18). Any liability of the resident not
20 payable by any other person terminates when the resident reaches age 17, unless the
21 liable person has prevented payment by any act or omission.✓

History: 1995 a. 27 ss. 6361, 9126 (19); 1995 a. 77; 1997 a. 237; 1999 a. 103; 2001 a. 59; 2007 a. 20, 97.

22 **SECTION 225.** 301.12 (14) (b) of the statutes is amended to read:

301.12 (14) (b) Except as provided in par. (c) and subject to par. (cm), liability of a parent specified in sub. (2) or s. 301.03 (18) for the care and maintenance of the parent's minor child who has been placed by a court order under s. 938.183, 938.355, or 938.357 in a residential, nonmedical facility such as a group home, foster home, ~~treatment foster home~~, residential care center for children and youth, or juvenile correctional institution shall be determined by the court by using the percentage standard established by the department of children and families under s. 49.22 (9) and by applying the percentage standard in the manner established by the department under par. (g).✓

Insert 87-9
History: 1995 a. 27 ss. 6361, 9126 (19); 1995 a. 77; 1997 a. 237; 1999 a. 103; 2001 a. 59; 2007 a. 20, 97.

SECTION 226. 301.26 (4) (d) 3. of the statutes is amended to read:

301.26 (4) (d) 3. Beginning on July 1, 2008 2010, and ending on June 30, 2009 2011, the per person daily cost assessment to counties shall be \$268 for care in a Type 1 juvenile correctional facility, as defined in s. 938.02 (19), \$268 for care for juveniles transferred from a juvenile correctional institution under s. 51.35 (3), \$296 for care in a residential care center for children and youth, \$172 for care in a group home for children, \$74 the amount determined by the department of children and families under s. 48.62 (4) (c) for care in a foster home, \$145 for care in a treatment foster home, \$101 for departmental corrective sanctions services, and \$37 for departmental aftercare services.✓

History: 1995 a. 27 ss. 6363p, 9126 (19); 1995 a. 77, 352, 416, 417; 1997 a. 27, 35, 237, 252; 1999 a. 9, 32; 2001 a. 16, 59, 109; 2003 a. 33; 2005 a. 25, 344; 2007 a. 20 ss. 3112 to 3124; 9121 (6) (a); 2007 a. 97.

SECTION 227. 301.26 (4) (e) of the statutes is amended to read:

301.26 (4) (e) For foster care, ~~treatment foster care~~, group home care, and institutional child care to delinquent juveniles under ss. 49.19 (10) (d), 938.48 (4) and (14), and 938.52 all payments and deductions made under this subsection and

1 uniform fee collections under s. 301.03 (18) shall be credited to the appropriation
2 account under s. 20.410 (3) (ho).✓

History: 1995 a. 27 ss. 6363p, 9126 (19); 1995 a. 77, 352, 416, 417; 1997 a. 27, 35, 237, 252; 1999 a. 9, 32; 2001 a. 16, 59, 109; 2003 a. 33; 2005 a. 25, 344; 2007 a. 20 ss. 3112 to 3124; 9121 (6) (a); 2007 a. 97.

3 **SECTION 228.** 301.26 (4) (ed) of the statutes is amended to read:

4 301.26 (4) (ed) For foster care, ~~treatment foster care~~, group home care, and
5 institutional child care to serious juvenile offenders under ss. 49.19 (10) (d), 938.48
6 (4) and (14), and 938.52 all uniform fee collections under s. 301.03 (18) shall be
7 credited to the appropriation account under s. 20.410 (3) (ho).✓

History: 1995 a. 27 ss. 6363p, 9126 (19); 1995 a. 77, 352, 416, 417; 1997 a. 27, 35, 237, 252; 1999 a. 9, 32; 2001 a. 16, 59, 109; 2003 a. 33; 2005 a. 25, 344; 2007 a. 20 ss. 3112 to 3124; 9121 (6) (a); 2007 a. 97.

8 **SECTION 229.** 301.46 (4) (a) 6. of the statutes is amended to read:

9 301.46 (4) (a) 6. A foster home ~~or treatment foster home~~ licensed under s. 48.62.✓

History: 1995 a. 440; 1997 a. 6, 27, 130, 181, 237, 283; 1999 a. 89; 2001 a. 16; 2003 a. 188; 2005 a. 5, 431; 2007 a. 20 ss. 3132r, 3133, 9121 (6) (a).

10 **SECTION 230.** 343.15 (4) (a) 3. of the statutes is amended to read:

11 343.15 (4) (a) 3. A person who is a ward of the state, county, or court and who
12 has been placed in a foster home ~~or a treatment foster home~~ or in the care of a
13 religious welfare service.✓

History: 1971 c. 45; 1971 c. 213 s. 5; 1971 c. 223; 1973 c. 90; 1977 c. 29 s. 1654 (7) (a), (e); 1977 c. 273; 1979 c. 215, 333, 338, 355; 1985 a. 71; 1987 a. 355; 1989 a. 105, 244; 1993 a. 162, 363, 446, 491; 1995 a. 100.

14 **SECTION 231.** 619.01 (1) (a) of the statutes is amended to read:

15 619.01 (1) (a) *Establishment of plans.* If the commissioner finds after a hearing
16 that in any part of this state automobile insurance, property insurance, health care
17 liability insurance, liability insurance but not to include coverage for risks which
18 that are determined to be uninsurable, worker's compensation insurance, insurance
19 coverage for foster homes ~~or treatment foster homes~~, or insurance coverage for group
20 homes is not readily available in the voluntary market, and that the public interest
21 requires such that availability, the commissioner may by rule either promulgate
22 plans to provide such insurance coverages for any risks in this state which that are

- 1 equitably entitled to, but otherwise unable to obtain ~~such~~, that coverage, or may call
2 upon the insurance industry to prepare plans for the commissioner's approval. ✓

History: 1975 c. 2, 79; 1975 c. 147 s. 54; 1975 c. 199; 1977 c. 131, 172; 1979 c. 56, 57; 1979 c. 102 s. 236 (6); 1979 c. 177; 1983 a. 27, 158, 192; 1985 a. 135, 176, 335, 340; 1989 a. 56 s. 259; 1989 a. 187 s. 29; 1991 a. 315; 1993 a. 446; 1997 a. 11.

- 3 **SECTION 232.** 619.01 (1) (c) 1. of the statutes is amended to read:

- 4 619.01 (1) (c) 1. Each plan, except a health care liability insurance plan, a foster
5 home protection insurance plan ^{plain} ~~a treatment foster home protection insurance plan~~
6 or a group home protection insurance plan, shall require participation by all insurers
7 doing any business in this state of the types covered by the specific plan and all
8 agents licensed to represent ^{those} ~~such~~ insurers in this state for the specified types of
9 business, except that the commissioner may exclude classes of persons for
10 administrative convenience or because it is not equitable or practicable to require
11 them to participate in the plan. ✓

History: 1975 c. 2, 79; 1975 c. 147 s. 54; 1975 c. 199; 1977 c. 131, 172; 1979 c. 56, 57; 1979 c. 102 s. 236 (6); 1979 c. 177; 1983 a. 27, 158, 192; 1985 a. 135, 176, 335, 340; 1989 a. 56 s. 259; 1989 a. 187 s. 29; 1991 a. 315; 1993 a. 446; 1997 a. 11.

- 12 **SECTION 233.** 619.01 (1) (c) 4m. of the statutes is repealed. ✓

- 13 **SECTION 234.** 619.01 (9) of the statutes is amended to read:

- 14 619.01 (9) FOSTER HOME PROTECTION INSURANCE. In this section "foster home
15 protection insurance" means insurance coverage to protect persons who receive a
16 license to operate a foster home under s. 48.62 (1) (a) against the unique risks,
17 determined by the commissioner, to which ~~such~~ those persons are exposed. If the
18 persons have insurance ~~which~~ that covers any of these those risks, the foster home
19 protection insurance may insure against any or all of the other risks, and may
20 provide additional or excess limits coverage for any or all of these those risks. ✓

History: 1975 c. 2, 79; 1975 c. 147 s. 54; 1975 c. 199; 1977 c. 131, 172; 1979 c. 56, 57; 1979 c. 102 s. 236 (6); 1979 c. 177; 1983 a. 27, 158, 192; 1985 a. 135, 176, 335, 340; 1989 a. 56 s. 259; 1989 a. 187 s. 29; 1991 a. 315; 1993 a. 446; 1997 a. 11.

- 21 **SECTION 235.** 619.01 (9m) of the statutes is repealed. ✓

- 22 **SECTION 236.** 767.205 (2) (a) 3. of the statutes is amended to read:

1 767.205 (2) (a) 3. Whenever aid under s. ~~48.57 (3m) or (3n)~~, 48.645, 49.19, or
2 49.45 is provided on behalf of a dependent child or benefits are provided to the child's
3 custodial parent under ss. 49.141 to 49.161. ✓

History: 1977 c. 418; 1979 c. 32 s. 50; 1979 c. ~~352~~ s. 39; Stats. 1979 s. 767.075; 1983 a. 27 s. 2202 (57); 1987 a. 413; 1989 a. 31; 1993 a. 326, 481; 1995 a. 27 s. 9126 (19); 1995 a. 201, 275, 289, 404; 1997 a. 35, 105; 2005 a. 443 ss. 30, 32, 37, 81; 2007 a. 20.

4 **SECTION 237.** 767.205 (2) (a) 4. of the statutes is amended to read:

5 767.205 (2) (a) 4. Whenever aid under s. ~~48.57 (3m) or (3n)~~, 48.645, 49.19, or
6 49.45 has, in the past, been provided on behalf of a dependent child, or benefits have,
7 in the past, been provided to the child's custodial parent under ss. 49.141 to 49.161,
8 and the child's family is eligible for continuing child support services under 45 CFR
9 302.33. ✓

History: 1977 c. 418; 1979 c. 32 s. 50; 1979 c. ~~352~~ s. 39; Stats. 1979 s. 767.075; 1983 a. 27 s. 2202 (57); 1987 a. 413; 1989 a. 31; 1993 a. 326, 481; 1995 a. 27 s. 9126 (19); 1995 a. 201, 275, 289, 404; 1997 a. 35, 105; 2005 a. 443 ss. 30, 32, 37, 81; 2007 a. 20.

10 **SECTION 238.** 767.407 (1) (c) 1. of the statutes is amended to read:

11 767.407 (1) (c) 1. Aid is provided under s. ~~48.57 (3m) or (3n)~~, 48.645, 49.19, or
12 49.45 on behalf of the child, or benefits are provided to the child's custodial parent
13 under ss. 49.141 to 49.161, but the state and its delegate under s. 49.22 (7) are barred
14 by a statute of limitations from commencing an action under s. 767.80 on behalf of
15 the child. ✓

History: Sup. Ct. Order, 50Wis. 2d vii (1971); 1977 c. 105, 299; 1979 c. 32 ss. 50, 92 (4); 1979 c. 196; 1979 c. 352 s. 39; Stats. 1979 s. 767.045; 1987 a. 355; Sup. Ct. Order, 151 Wis. 2d xxv (1989); 1993 a. 16, 481; 1995 a. 27, 201, 289, 404; 1997 a. 105, 191; 1999 a. 9; 2001 a. 61; 2003 a. 130; 2005 a. 443 s. 25; Stats. 2005 s. 767.407; 2007 a. 20.

16 **SECTION 239.** 767.41 (3) (c) of the statutes is amended to read:

17 767.41 (3) (c) The court shall hold a hearing to review the permanency plan
18 within 30 days after receiving a report under par. (b). At least 10 days before the date
19 of the hearing, the court shall provide notice of the time, date, and purpose of the
20 hearing to the agency that prepared the report, the child's parents, the child, if he
21 or she is 12 years of age or over, and the child's foster parent, ~~treatment foster parent~~
22 or the operator of the facility in which the child is living. ✓

History: 1971 c. 149, 157, 211; 1975 c. 39, 122, 200, 283; 1977 c. 105, 418; 1979 c. 32 ss. 50, 92 (4); 1979 c. 196; Stats. 1979 s. 767.24; 1981 c. 391; 1985 a. 70, 176; 1987 a. 332 s. 64; 1987 a. 355, 364, 383, 403; 1989 a. 56 s. 259; 1989 a. 359; 1991 a. 32; 1993 a. 213, 446, 481; 1995 a. 77, 100, 275, 289, 343, 375;

1997 a. 35, 191; 1999 a. 9; 2001 a. 109; 2003 a. 130; 2005 a. 101, 174, 264; 2005 a. 443 ss. 29, 94 to 98; Stats. 2005 s. 767.41; 2005 a. 471 ss. 1 to 5; 2007 a. 20; 2007 a. 96 ss. 141, 142; 2007 a. 97, 187. ✓

1 **SECTION 240.** 767.521 (intro.) of the statutes is amended to read:

2 **767.521 Action by state for child support.** (intro.) The state or its delegate
3 under s. 49.22 (7) shall bring an action for support of a minor child under s. 767.001
4 (1) (f) or for paternity determination and child support under s. 767.80 if the child's
5 right to support is assigned to the state under s. ~~48.57 (3m) (b) 2. or (3n) (b) 2.,~~ 48.645
6 (3), 49.145 (2) (s), 49.19 (4) (h) 1. b., or 49.775 (2) (bm) and all of the following apply: ✓

History: 1987 a. 27; 1995 a. 289, 404; 1997 a. ~~27~~, 105; 2005 a. 443 s. 38; Stats. 2005 s. 767.521; 2007 a. 20. ✓

7 **SECTION 241.** 767.55 (3) (a) 2. of the statutes is amended to read:

8 767.55 (3) (a) 2. The child's right to support is assigned to the state under s.
9 ~~48.57 (3m) (b) 2. or (3n) (b) 2.,~~ 48.645 (3), or 49.19 (4) (h) 1. b. ✓

History: 2005 a. 443 ss. 40, 41, 107, 108, 135, ~~136~~, 223; 2007 a. 20. ✓

10 **SECTION 242.** 767.57 (1m) (cm) of the statutes is repealed. ✓

11 **SECTION 243.** 767.57 (2) of the statutes is amended to read:

12 **767.57 (2) PROCEDURE IF RECIPIENT ON PUBLIC ASSISTANCE.** If a party entitled to
13 maintenance or support, or both, is receiving public assistance under ch. 49, the
14 party may assign the party's right to support or maintenance to the county
15 department under s. 46.215, 46.22, or 46.23 granting the assistance. The assignment
16 shall be approved by order of the court granting the maintenance or support. The
17 assignment may not be terminated if there is a delinquency in the amount to be paid
18 to the assignee of maintenance and support previously ordered without the written
19 consent of the assignee or upon notice to the assignee and a hearing. When an
20 assignment of maintenance or support, or both, has been approved by the order, the
21 assignee shall be ~~deemed~~ considered a real party in interest ~~within~~ under s. 803.01
22 solely for the purpose of securing payment of unpaid maintenance or support ordered
23 to be paid, by participating in proceedings to secure the payment of unpaid amounts.

1 Notwithstanding assignment under this subsection, and without further order of the
2 court, the department or its designee, upon receiving notice that a party or a minor
3 child of the parties is receiving aid under s. 48.645 or public assistance under ch. 49
4 ~~or that a kinship care relative or long-term kinship care relative of the minor child~~
5 ~~is receiving kinship care payments or long-term kinship care payments for the minor~~
6 ~~child, shall forward all support assigned under s. 48.57 (3m) (b) 2. or (3n) (b) 2.,~~
7 ~~48.645 (3), 49.19 (4) (h) 1., or 49.45 (19) to the assignee under s. 48.57 (3m) (b) 2. or~~
8 ~~(3n) (b) 2., 48.645 (3), 49.19 (4) (h) 1., or 49.45 (19).~~ ✓

History: 1971 c. 41 s. 12; Sup. Ct. Order, 67 Wis. 2d 585, 775 (1975); 1975 c. 82, 200; 1975 c. 401 s. 4; 1977 c. 105 s. 59; 1977 c. 271, 418, 447; 1979 c. 32 ss. 50, 92 (4); 1979 c. 257 s. 17; Stats. 1979 s. 767.29; 1981 c. 20 s. 2202 (20) (m); 1983 a. 27, 302; 1985 a. 29, 176; 1991 a. 39; 1993 a. 481; 1995 a. 27 ss. 7104tm, 9126 (19), 9130 (4); 1995 a. 77, 279, 289, 404; 1997 a. 27, 35, 105, 191, 252; 1999 a. 9; 2001 a. 16, 59, 61, 105; 2005 a. 25, 387; 2005 a. 443 ss. 127 to 132, 144, 225; Stats. 2005 s. 767.57; 2007 a. 20, 96; s. 13.92 (2) (i).

9 **SECTION 244.** 767.57 (4) of the statutes is amended to read:

10 **767.57 (4) PROCEDURE FOR CERTAIN CHILD RECIPIENTS.** If an order or judgment
11 providing for the support of one or more children not receiving aid under s. 48.57 (3m)
12 ~~or (3n)~~, 48.645, or 49.19 includes support for a minor who is the beneficiary of aid
13 under s. 48.57 (3m) ~~or (3n)~~, 48.645, or 49.19, any support payment made under the
14 order or judgment is assigned to the state under s. 48.57 (3m) (b) 2. ~~or (3n) (b) 2.,~~
15 48.645 (3), or 49.19 (4) (h) 1. b. in the amount that is the proportionate share of the
16 minor receiving aid under s. 48.57 (3m) ~~or (3n)~~, 48.645, or 49.19, except as otherwise
17 ordered by the court on the motion of a party. ✓

History: 1971 c. 41 s. 12; Sup. Ct. Order, 67 Wis. 2d 585, 775 (1975); 1975 c. 82, 200; 1975 c. 401 s. 4; 1977 c. 105 s. 59; 1977 c. 271, 418, 447; 1979 c. 32 ss. 50, 92 (4); 1979 c. 257 s. 17; Stats. 1979 s. 767.29; 1981 c. 20 s. 2202 (20) (m); 1983 a. 27, 302; 1985 a. 29, 176; 1991 a. 39; 1993 a. 481; 1995 a. 27 ss. 7104tm, 9126 (19), 9130 (4); 1995 a. 77, 279, 289, 404; 1997 a. 27, 35, 105, 191, 252; 1999 a. 9; 2001 a. 16, 59, 61, 105; 2005 a. 25, 387; 2005 a. 443 ss. 127 to 132, 144, 225; Stats. 2005 s. 767.57; 2007 a. 20, 96; s. 13.92 (2) (i).

18 **SECTION 245.** 767.59 (1c) (a) (intro.) of the statutes is amended to read:

19 **767.59 (1c) (a) (intro.)** On the petition, motion, or order to show cause of either
20 of the parties, the department, a county department under s. 46.215, 46.22, or 46.23,
21 or a county child support agency under s. 59.53 (5) if an assignment has been made
22 under s. 48.57 (3m) (b) 2. ~~or (3n) (b) 2.,~~ 48.645 (3), 49.19 (4) (h), or 49.45 (19) or if either

1 party or their minor children receive aid under s. ~~48.57 (3m) or (3n) or~~ 48.645 or ch.
2 49, a court may, except as provided in par. (b), do any of the following:✓

History: 1971 c. 220; 1977 c. 105 ss. 38, 48, 49; 1977 c. 418; 1979 c. 32 ss. 50, 92 (4); Stats. 1979 s. 767.32; 1981 c. 20 s. 2202 (20) (m); 1981 c. 314 s. 146; 1983 a. 27; 1985 a. 176; 1987 a. 27, 355, 413; 1989 a. 212; 1991 a. 39; 1993 a. 16, 481, 491; 1995 a. 27 s. 9126 (19); 1995 a. 77, 201, 225, 279, 289, 404, 417; 1997 a. 27, 35, 105, 191, 237, 273; 1999 a. 9, 103; 2001 a. 16, 61, 105; 2005 a. 443 ss. 147 to 159, 227, 228; Stats. 2005 s. 767.59; 2007 a. 20.

3 **SECTION 246.** 767.87 (6) (a) of the statutes is amended to read:

4 767.87 (6) (a) Whenever the state brings the action to determine paternity
5 pursuant to an assignment under s. ~~48.57 (3m) (b) 2. or (3n) (b) 2.,~~ 48.645 (3), 49.19
6 (4) (h) 1., or 49.45 (19), or receipt of benefits under s. 49.148, 49.155, 49.157, or 49.159,
7 the natural mother of the child may not be compelled to testify about the paternity
8 of the child if it has been determined that the mother has good cause for refusing to
9 cooperate in establishing paternity as provided in 42 USC 602 (a) (26) (B) and the
10 federal regulations promulgated ^{under that} pursuant to ~~this~~ statute, as of July 1, 1981, and
11 ^{under} ~~pursuant to~~ any rules promulgated by the department ^{that} ~~which~~ define good cause in
12 accordance with the federal regulations, as authorized by 42 USC 602 (a) (26) (B) in
13 effect on July 1, 1981.✓

History: 1979 c. 352; 1981 c. 20 s. 2202 (20) (m); 1981 c. 359 ss. 13, 17; 1983 a. 447; 1987 a. 413; 1989 a. 31, 122, 212; 1993 a. 395, 481; 1995 a. 27 s. 9126 (19); 1995 a. 77, 100, 275, 289, 404; 1997 a. 27, 105, 191, 252; 1999 a. 185; 2005 a. 443 ss. 207, 258; Stats. 2005 s. 767.87; 2007 a. 20.

14 **SECTION 247.** 767.87 (6) (b) of the statutes is amended to read:

15 767.87 (6) (b) Nothing in par. (a) prevents the state from bringing an action to
16 determine paternity pursuant to an assignment under s. ~~48.57 (3m) (b) 2. or (3n) (b)~~
17 ~~2.,~~ 49.19 (4) (h) 1. or 49.45 (19), or receipt of benefits under s. 49.148, 49.155, 49.157
18 or 49.159, ~~where~~ when evidence other than the testimony of the mother may
19 establish the paternity of the child.✓

History: 1979 c. 352; 1981 c. 20 s. 2202 (20) (m); 1981 c. 359 ss. 13, 17; 1983 a. 447; 1987 a. 413; 1989 a. 31, 122, 212; 1993 a. 395, 481; 1995 a. 27 s. 9126 (19); 1995 a. 77, 100, 275, 289, 404; 1997 a. 27, 105, 191, 252; 1999 a. 185; 2005 a. 443 ss. 207, 258; Stats. 2005 s. 767.87; 2007 a. 20.

20 **SECTION 248.** 786.37 (3) of the statutes is amended to read:

21 786.37 (3) This section does not apply to the name change of a minor if the
22 parental rights to the minor of both parents have been terminated, guardianship and
23 legal custody of the minor have been transferred under subch. VIII of ch. 48, the

1 minor has been placed in a permanent foster home ~~or a permanent treatment foster~~
2 ~~home~~, and the guardian and legal custodian of the minor have petitioned to change
3 the minor's name to the name or names of the minor's foster parents ~~or treatment~~
4 ~~foster parents~~. ✓

History: 1975 c. 261; 1979 c. 32 s. 63; 1979 ~~c. 330~~ s. 13; Stats. 1979 s. 786.37; 1987 a. 403; 1993 a. 446; 2003 a. 65.

5 **SECTION 249.** 809.105 (13) of the statutes is amended to read:

6 809.105 (13) CERTAIN PERSONS BARRED FROM PROCEEDINGS. No parent, or
7 guardian or legal custodian, if one has been appointed, or foster parent ~~or treatment~~
8 ~~foster parent~~, if the minor has been placed in a foster home ~~or treatment foster home~~,
9 and the minor's parent has signed a waiver granting the department of children and
10 families, a county department under s. 46.215, 46.22, or 46.23, the ~~foster parent or~~
11 ~~treatment foster parent~~ the authority to consent to medical services or treatment
12 on behalf of the minor, or adult family member, as defined in s. 48.375 (2) (b), of any
13 minor who has initiated an appeal under this section may attend or intervene in any
14 proceeding under this section. ✓

History: 1991 a. 263, 315; 1993 a. 213, 446; 1995 a. 27 s. 9126 (19); 1995 a. 201, 224; 2007 a. 20.

15 **SECTION 250.** 895.485 (title) of the statutes is amended to read:

16 **895.485 (title) Civil liability exemption; agencies, foster parents,**
17 **~~treatment foster parents and family-operated group home parents.~~** ✓

History: 1987 a. 377; 1989 a. 31; 1993 a. 446; 1995 a. 27 s. 9126 (19); 2007 a. 20.

18 **SECTION 251.** 895.485 (1) (c) of the statutes is repealed. ✓

19 **SECTION 252.** 895.485 (2) (intro.) of the statutes is amended to read:

20 895.485 (2) (intro.) Except as provided in ss. 167.10 (7) and 343.15 (2), any
21 ~~foster, treatment foster~~ or family-operated group home parent licensed under s.
22 48.62 or 48.625 is immune from civil liability for any of the following: ✓

History: 1987 a. 377; 1989 a. 31; 1993 a. 446; 1995 a. 27 s. 9126 (19); 2007 a. 20.

23 **SECTION 253.** 895.485 (2) (a) of the statutes is amended to read:

1 895.485 (2) (a) An act or omission of the foster,~~treatment foster~~ or
2 family-operated group home parent while that parent is acting in his or her capacity
3 as a foster,~~treatment foster~~ or family-operated group home parent. ✓

4 ~~History:~~ 1987 a. 377; 1989 a. 31; 1993 a. 446; 1995 a. 27 s. 9126 (19); 2007 a. 20.

4 **SECTION 254.** 895.485 (2) (b) of the statutes is amended to read:

5 895.485 (2) (b) An act or omission of a child who is placed in a foster home,
6 ~~treatment foster home~~ or family-operated group home while the child is in the foster,
7 ~~treatment foster~~ or family-operated group home parent's care. ✓

8 ~~History:~~ 1987 a. 377; 1989 a. 31; 1993 a. 446; 1995 a. 27 s. 9126 (19); 2007 a. 20.

8 **SECTION 255.** 895.485 (3) of the statutes is amended to read:

9 895.485 (3) The immunity specified in sub. (2) does not apply if the act or
10 omission of a foster,~~treatment foster~~ or family-operated group home parent was not
11 done in good faith or was not in compliance with any written instructions, received
12 from the agency that placed the child, regarding specific care and supervision of the
13 child. The good faith of a foster,~~treatment foster~~ or family-operated group home
14 parent and the compliance of the foster,~~treatment foster~~ or family-operated group
15 home parent with any written instructions received from the agency that placed the
16 child are presumed in a civil action. Any person who asserts that a foster,~~treatment~~
17 ~~foster~~ or family-operated group home parent did not act in good faith, or did not
18 comply with written instructions received from the agency that placed the child, has
19 the burden of proving that assertion. ✓

20 ~~History:~~ 1987 a. 377; 1989 a. 31; 1993 a. 446; 1995 a. 27 s. 9126 (19); 2007 a. 20.

20 **SECTION 256.** 895.485 (4) (intro.) of the statutes is amended to read:

21 895.485 (4) (intro.) Any agency that acts in good faith in placing a child with
22 a foster,~~treatment foster~~ or family-operated group home parent is immune from civil

1 liability for any act or omission of the agency, the foster, ~~treatment foster~~ or
2 family-operated group home parent, or the child unless all of the following occur: ✓

3 **History:** 1987 a. 377; 1989 a. 31; 1993 a. 446; 1995 a. 27 s. 9126 (19); 2007 a. 20.

SECTION 257. 895.485 (4) (a) of the statutes is amended to read:

4 895.485 (4) (a) The agency has failed to provide the foster, ~~treatment foster~~ or
5 family-operated group home parent with any information relating to a medical,
6 physical, mental, or emotional condition of the child that it is required to disclose
7 under this paragraph. The department of children and families shall promulgate
8 rules specifying the kind of information that an agency shall disclose to a foster,
9 ~~treatment foster~~, or family-operated group home parent ~~which~~ that relates to a
10 medical, physical, mental, or emotional condition of the child. ✓

11 **History:** 1987 a. 377; 1989 a. 31; 1993 a. 446; 1995 a. 27 s. 9126 (19); 2007 a. 20.

SECTION 258. 938.02 (6) of the statutes is amended to read:

12 938.02 (6) "Foster home" means any facility that is operated by a person
13 required to be licensed by s. 48.62 (1) (a) and that provides care and maintenance for
14 no more than 4 juveniles or, if necessary to enable a sibling group to remain together,
15 for no more than 6 juveniles or, if the department of children and families
16 promulgates rules permitting a different number of juveniles, for the number of
17 juveniles permitted under those rules. ✓

18 **History:** 1995 a. 77, 216, 352, 448; 1997 a. 27, 35, 181, 191; 1999 a. 9, 162; 2001 a. 16, 59; 2003 a. 33, 284; 2005 a. 232, 344, 387; 2005 a. 443 s. 265; 2007 a. 20 ss. 3780 to 3782, 9121 (6) (a).

SECTION 259. 938.02 (17q) of the statutes is repealed. ✓

19 **SECTION 260.** 938.207 (1) (c) of the statutes is amended to read:

20 938.207 (1) (c) A licensed foster home ~~or a licensed treatment foster home~~ if the
21 placement does not violate the conditions of the license. ✓

22 **History:** 1995 a. 77; 1999 a. 9; 2005 a. 344.

SECTION 261. 938.207 (1) (f) of the statutes is amended to read:

Under this paragraph

A

1 938.207 (1) (f) The home of a person not a relative if the person has not had a
2 ~~foster home or treatment foster home~~ license under s. 48.62 refused, revoked, or
3 suspended within the previous 2 years. ~~Such a~~ placement may not exceed 30 days,
4 unless the placement is extended by the court for cause for an additional 30 days. ✓

History: 1995 a. 77; 1999 a. 9; 2005 a. 344. X

5 **SECTION 262.** 938.21 (5) (d) 2. of the statutes is amended to read:

6 938.21 (5) (d) 2. If a hearing is held under subd. 1, at least 10 days before the
7 date of the hearing the court shall notify the juvenile, any parent, guardian, and legal
8 custodian of the juvenile, and any foster parent, ~~treatment foster parent~~, or other
9 physical custodian described in s. 48.62 (2) of the juvenile of the time, place, and
10 purpose of the hearing. ✓

History: 1995 a. 77, 275; 1997 a. 35, 237, 296, 2001 a. 16, 61, 109; 2005 a. 344; 2007 a. 20, 97. X

11 **SECTION 263.** 938.21 (5) (d) 3. of the statutes is amended to read:

12 938.21 (5) (d) 3. The court shall give a foster parent, ~~treatment foster parent~~,
13 or other physical custodian described in s. 48.62 (2) who is notified of a hearing under
14 subd. 2. an opportunity to be heard at the hearing by permitting the foster parent,
15 ~~treatment foster parent~~, or other physical custodian to make a written or oral
16 statement during the hearing, or to submit a written statement prior to the hearing,
17 relevant to the issues to be determined at the hearing. A foster parent, ~~treatment~~
18 ~~foster parent~~, or other physical custodian who receives a notice of a hearing under
19 subd. 2. and an opportunity to be heard under this subdivision does not become a
20 party to the proceeding on which the hearing is held solely on the basis of receiving
21 that notice and opportunity to be heard. ✓

History: 1995 a. 77, 275; 1997 a. 35, 237, 296, 2001 a. 16, 61, 109; 2005 a. 344; 2007 a. 20, 97. X

22 **SECTION 264.** 938.27 (3) (a) 1. of the statutes is amended to read:

23 938.27 (3) (a) 1. The court shall notify, under s. 938.273, the juvenile, any
24 parent, guardian, and legal custodian of the juvenile, any foster parent, ~~treatment~~

1 foster parent or other physical custodian described in s. 48.62 (2) of the juvenile, and
2 any person specified in par. (b), if applicable, of all hearings involving the juvenile
3 under this subchapter, except hearings on motions for which notice must be provided
4 only to the juvenile and his or her counsel. If parents entitled to notice have the same
5 place of residence, notice to one constitutes notice to the other. The first notice to any
6 interested party, foster parent, ~~treatment foster parent~~, or other physical custodian
7 described in s. 48.62 (2) shall be in writing and may have a copy of the petition
8 attached to it. Notices of subsequent hearings may be given by telephone at least 72
9 hours before the time of the hearing. The person giving telephone notice shall place
10 in the case file a signed statement of the date and time notice was given and the
11 person to whom he or she spoke. ✓

History: 1995 a. 77, 275; 1997 a. 80, 181, 237; 2005 a. 293, 344; 2005 a. 443 s. 265; 2007 a. 96.

12 **SECTION 265.** 938.27 (3) (a) 1m. of the statutes is amended to read:

13 938.27 (3) (a) 1m. The court shall give a foster parent, ~~treatment foster parent~~
14 or other physical custodian described in s. 48.62 (2) who is notified of a hearing under
15 subd. 1. an opportunity to be heard at the hearing by permitting the foster parent,
16 ~~treatment foster parent~~ or other physical custodian to make a written or oral
17 statement during the hearing, or to submit a written statement prior to the hearing,
18 relevant to the issues to be determined at the hearing. A foster parent, ~~treatment~~
19 ~~foster parent~~ or other physical custodian described in s. 48.62 (2) who receives a
20 notice of a hearing under subd. 1. and an opportunity to be heard under this
21 subdivision does not become a party to the proceeding on which the hearing is held
22 solely on the basis of receiving that notice and opportunity to be heard. ✓

History: 1995 a. 77, 275; 1997 a. 80, 181, 237; 2005 a. 293, 344; 2005 a. 443 s. 265; 2007 a. 96.

23 **SECTION 266.** 938.27 (3) (a) 2. of the statutes is amended to read: